

**ORDER OF BUSINESS  
BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA**

**AUGUST 19, 2008**

**TUESDAY  
9:30 A.M.**

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
  
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  
- 3. CONSENT AGENDA (Pages 7 - 37)**
  
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 38)**
  
- 5. PUBLIC HEARINGS - 9:30 A.M. (Pages 39 - 41)**
  
- 6. REGULAR AGENDA (Pages 42-46)**
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  - TIME CERTAIN 11:30 A.M.** (Excess Fees and \$1.90 Court Technology Revenue Presentation) (Page 42)
  - TIME CERTAIN 2:00 P.M.** (Inland Intermodal Logistic Facility Presentation)(Page 42)
  
- 7. BOARD APPOINTMENTS (Pages 47 - 52)**
  
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to adopt: a Resolution supporting the preservation and promotion of working waterfronts and public access to navigable waters of the State, and specifically the passage of Amendment 6 on the ballot in the November 2008 election. **SUMMARY:** At the request of Commissioner Karen T. Marcus, the Board directed staff to draft this Resolution. Countywide (DW)

2. Staff recommends motion to approve:

**A)** Agreement with Palm Beach County Sheriff's Office (PBSO) in an amount not-to-exceed \$50,000 for Putting Kids First;

**B)** Budget Transfer of \$50,000 from the Capital Outlay Fund from CCRT to the Sheriff's Grant Fund; and

**C)** Budget Amendment of \$50,000 in the Sheriff's Grant Fund to recognize and appropriate the transfer from the Capital Outlay Fund.

**SUMMARY:** This Agreement provides for the County to reimburse PBSO an amount not-to-exceed \$50,000 for the costs of purchasing book bags, school supplies, food, and other miscellaneous expenses associated with the implementation of "Putting Kids First" Program. The above project was reviewed and recommended for funding by the Countywide Community Revitalization Team (CCRT) Committee and approved by the Board of County Commissioners (BCC) on December 18, 2007. The individual project funding agreement is now being submitted to the BCC for approval. The budget transfer and amendment are needed to allocate funds to PBSO. Countywide (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to approve:

**A)** Budget Transfer from the Capital Outlay Fund to 1) Cabana Colony/Lone Pine Road Street Lighting Project account in the amount of \$40,000 for the installation of 20 cobra head street lights and 2) Royal Palm Estates Street Lighting Project account in the amount of \$36,000 for the installation of 18 cobra head street lights;

**B)** Budget Transfer from the Capital Outlay Fund to the CCRT Street Lighting Maintenance Fund for: 1) Cabana Colony/Lone Pine Area Street Lighting Project in the amount of \$40,000 for ten (10) years of maintenance; and 2) Royal Palm Estates Lighting Project in the amount \$72,000 for 20 years of maintenance; and

**C)** Budget Amendments totaling \$112,000 in the CCRT Street Lighting Maintenance Fund to recognize and appropriate the transfers from the Capital Outlay Fund of \$40,000 for maintenance of the Cabana Colony/Lone Pine Area Street Lighting Project and \$72,000 for the Royal Palm Estates Street Lighting Project.

**SUMMARY:** The street lighting projects being submitted for approval were initiated by members of the Cabana Colony Residents League, Inc. and the Royal Palm Estates Neighborhood Association. Based on review of each application by the Office of Community Revitalization (OCR) staff as well as Palm Beach County Sheriffs Office staff, it was determined that the installation of these streetlights would help reduce area crime as well as enhance pedestrian safety. The total amount of funding provided for these projects is \$188,000. Districts 1 & 6 (AH)

4. Staff recommends motion to approve: Amendment No. 1 to Agreement R2007-0447 with the Lake Okeechobee Regional Economic (LORE) Alliance, Inc. to revise Exhibit A to the Agreement. **SUMMARY:** This Amendment will allow for small business/property owners to access funds less than \$5,000 in the Façade/Exterior Grant Program administered by LORE. Funds for improvements will be 100% matched or better by the business/property owners. Countywide (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.

2. Staff recommends motion to approve: the following final minutes of the Board of County Commissioners' meetings:

<u>Meeting Type</u>	<u>Meeting Date</u>
Zoning	April 24, 2008
Comprehensive Plan	April 28, 2008
Regular	May 20, 2008
Regular	June 17, 2008

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. Staff recommends motion to receive and file: change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during June 2008. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: an Encroachment and Removal Agreement (Agreement) with KRG/Atlantic Delray Beach, LLC (KRG), to allow lessee owned improvements to remain in effect, until removal date. **SUMMARY:** This Agreement will allow the lessee to remain as a tenant until July 31, 2009, on property owned by KRG that is to be deeded to Palm Beach County for West Atlantic Avenue. District 5 (PK)
2. Staff recommends motion to approve: a County Deed transferring certain rights-of-way to the Village of Palm Springs (Village). **SUMMARY:** A recent review by staff and the Village has disclosed that certain rights-of-way, as shown on Exhibit "A" of the County Deed, being Lark Road, a portion of Davis Road, and a portion of 2<sup>nd</sup> Avenue North, are wholly within the Village limits. The Village has sent a request for a County Deed for these roads. District 3 (MRE)
3. Staff recommends motion to adopt: a Resolution transferring a platted Access Control Easement (ACE) on the south line of Tract A to the Florida Department of Transportation (FDOT). **SUMMARY:** This action will adopt a Resolution giving FDOT control of an ACE abutting the Beeline Highway at Steeplechase Drive. District 1 (PK)
4. Staff recommends motion to approve: an Amendment to the Annual Open Graded Asphalt Pavement Contract (R2007-0735) (Contract), dated May 15, 2007, with Florida Highway Products, Inc., to extend the length of the Contract for one (1) year to expire on September 30, 2009. **SUMMARY:** Approval of this Amendment will extend the expiration date of the existing Contract from September 30, 2008 to September 30, 2009. There will be no increase in the maximum value of work orders issued under the existing Contract which is \$100,000. Countywide (MRE)
5. Staff recommends motion to approve: a Budget Transfer of \$20,000 in the Transportation Improvement Fund from reserves for District 5 to fund countdown pedestrian traffic signals at seven (7) locations. **SUMMARY:** This action will initiate a Budget Transfer of \$20,000 in the Transportation Improvement Fund from reserves for District 5. The funds will be used to purchase and install countdown pedestrian traffic signals at seven (7) locations. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

6. **Staff recommends motion to approve:** an Amendment to the Interlocal Agreement (R2006-1236) with Loxahatchee Groves Water Control District (LGWCD) for the acquisition of a water truck, extending the completion deadline from September 30, 2008, to January 30, 2009. **SUMMARY:** On July 11, 2006, LGWCD and Palm Beach County entered into an Interlocal Agreement to provide reimbursement funds in an amount not to exceed \$50,000 for the acquisition of a water truck. LGWCD desires that the Agreement continue without interruption or lapse and its term extended to January 30, 2009. District 6 (MRE)
  
7. **Staff recommends motion to approve:**
  - A) a Budget Transfer of \$65,000 in the County Transportation Trust Fund from Contingency Reserves to transfer to General Fund; and
  
  - B) a Budget Amendment of \$65,000 in the General Fund to recognize the transfer from the County Transportation Trust Fund and appropriate it to Land Development Division – ISS Professional Charges.

**SUMMARY:** This Budget Transfer and Amendment will provide additional funding to continue the E-Permitting Project started in 2003 by Land Development through ISS. E-Permitting is to supply an on-line permitting process for ease of use by Developers and other parties in issuance of right-of-way construction permits and drainage reviews. Countywide (MRE)
  
8. **Staff recommends motion to approve:** Amendment No.1 to the Agreement with Boca 54 North LLC, extending the termination date from August 1, 2008, to February 1, 2009 for the State of Florida Office of Tourism, Trade, and Economic Development (OTTED) funded off-site roadway improvements associated with the new Office Depot Headquarters. **SUMMARY:** This Amendment will allow additional time for Boca 54 North LLC to complete off-site roadway improvements required for the Office Depot Headquarters and additional time for Boca 54 North LLC and Palm Beach County to process reimbursement for the improvements. The funds will be reimbursed to the County by a grant for Economic Development Transportation Funds (EDFT). District 4 (MRE)
  
9. **Staff recommends motion to approve:** an Agreement with Arcadis U.S., Inc. to provide the necessary professional services for traffic signal design on a task order basis, for countywide projects, as required. **SUMMARY:** This Agreement will provide the necessary professional services for traffic signal design throughout Palm Beach County (County) for all user departments. At the option of the County, this Agreement can be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. Countywide (PK)
  
10. **Staff recommends motion to approve:** an Amendment to the Annual Microsurfacing Contract (R2007-0734) (Contract), dated May 15, 2007, with Florida Highway Products, Inc., to extend the contract to September 30, 2009. **SUMMARY:** Approval of this Amendment will extend the expiration date of the existing Contract to September 30, 2009. There will be no increase in the maximum value of work orders issued under the existing Contract which is \$50,000. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

11. Staff recommends motion to:

**A) rescind** the Board of County Commissioner's (Board) approval of a Local Agency Participation (LAP) Agreement with the Florida Department of Transportation (R2008-1231); and

**B) approve and authorize** the Chairperson to initial minor changes made by FDOT to a previously approved LAP (R2007-1251).

**SUMMARY:** Both the 2007 and 2008 LAP agreements pertain to the same issue – providing monies for repair to signal interconnect cable damage from Hurricane Wilma. The FDOT has determined that in order to process the funding associated with this matter the Board needs to initial changes the FDOT made to the 2007 LAP. To facilitate and clarify the actions taken by the Board on this matter, the Minutes Department has requested that the Board also rescind its approval of the 2008 LAP. Staff recommends that the Board approve changes to the 2007 LAP and authorize the Chairperson to initial the changes. Countywide (MRE)

12. Staff recommends motion to approve: an Agreement with Tierra, Inc. to provide the necessary professional testing lab services on a task order basis, for countywide projects, as required. **SUMMARY:** This Agreement will provide the necessary professional testing lab services throughout Palm Beach County (County) for all user departments. At the option of the County, this Agreement can be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. Countywide (PK)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: Settlement in the total amount of \$342,547, inclusive of attorneys' fees and costs, in the case of Palm Beach County v. Douglas Sykes, et.al., Case No. 502007CA014837XXXXMB. **SUMMARY:** This is an action to quiet title to land measuring 4.33 acres that lies adjacent to PBC Water Treatment Plant (WTP) No. 8. Although the County claims an ownership interest in the land, the parcel has been on the tax roll as privately owned since 1955, thereby clouding the County's title. Countywide (PGE)

2. Staff recommends motion to approve: a Settlement in the amount of \$161,430.11 including attorney's fees, but excluding costs, in the eminent domain action styled Palm Beach County v. Abdul Maleque, et al., Case No. 502007CA001804XXXXMB, for the taking of parcels 109, 209 and 309, owned by Abdul Maleque and Sabina Maleque. **SUMMARY:** The County has negotiated a settlement for parcels 109, 209 and 309 in the amount of \$161,430.11 as compensation for the land taken, including attorney's fees, but excluding costs, subject to the approval of the Board of County Commissioners. The subject property is located on the corner of Seminole Pratt Whitney Road and Okeechobee Boulevard. In his appraisal update, the County's expert appraiser valued the subject parcels at \$117,331 with a valuation date of July 7, 2006. The property owner's expert appraiser valued the subject parcels at \$172,900 for the land taken. The proposed settlement is \$132,500 for the land taken, plus attorney's fees in the amount of \$28,930.11, calculated mathematically pursuant to Florida law. The total settlement including attorney's fees, but excluding costs, is \$161,430.11. If this settlement is approved, it would require the County to pay an additional \$116,597.11 to fully fund the settlement, excluding costs. District 6 (PM)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. Staff recommends motion to approve: a Settlement in the amount of \$84,638.94 including attorney's fees, but excluding costs, in the eminent domain action styled Palm Beach County v. Diego A. Pena, et al., Case No. 502007CA001113XXXMB, for the taking of parcels 192, 292 and 392, owned by Winsome Benjamin. **SUMMARY:** The County has negotiated a settlement for parcels 192, 292 and 392 in the amount of \$84,638.94 as compensation for the land taken, including attorney's fees, but excluding costs, subject to the approval of the Board of County Commissioners. The subject property is located on Seminole Pratt Whitney Road north of Okeechobee Boulevard. The County's expert appraiser valued the subject parcels at \$57,882 with a valuation date of March 22, 2006. The property owner's expert appraiser valued the subject parcels at \$85,050. The proposed settlement is \$78,000 for the land taken, plus attorney's fees in the amount of \$6,638.94, calculated mathematically pursuant to Florida law. The total settlement including attorney's fees, but excluding costs, is \$84,638.94. If this settlement is approved, it would require the County to pay an additional \$26,756.94 to fully fund the settlement, excluding costs. District 6 (PM)

4. Staff recommends motion to approve:

**A)** Payment in the amount of \$30,359 to St. Mary's Medical Center for the cost of providing medical care to an indigent individual from the period of January 12, 2008, through January 31, 2008;

**B)** a Budget Transfer of \$180,589 from the Risk Management Fund to the General Fund; and

**C)** a Budget Amendment of \$180,589 in the General Fund to provide for this payment for medical services from October 1, 2007, through January 31, 2008 (\$150,230 of this amount was previously approved by the Board on September 11, 2007, but not included in the FY 2008 budget).

**SUMMARY:** On September 11, 2007, the Board approved a payment to St. Mary's Medical Center in the amount of \$554,992 for medical services provided to an indigent patient from the period November 27, 2006, through January 11, 2008. The patient was released from St. Mary's Medical Center on January 31, 2008. The requested amount of \$30,359 over the cost of medical services for this patient from January 11, 2008, through January 31, 2008, a period not addressed in the September 11, 2007 Board Agenda. This payment completes payment of the medical services provided to this individual by St. Mary's Medical Center and the County will have no further responsibility for such medical services for his care. Countywide (LSJ)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve:

**A)** Amendment No. 002 to Standard Agreement No. IC007-9500 (R2007-1691) for the Community Care for the Elderly (CCE) Program with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2007, through June 30, 2008, increasing the agreement amount by \$50,000 for a new total not-to-exceed the amount of \$1,153,185; and

**B)** Budget Amendment of \$107,545 in DOSS - Community Care for Elderly (CCE) Fund.

**SUMMARY:** This Amendment will increase In-Home Services by \$50,000 in state grant funds provided by the Area Agency on Aging. The budget amendment is necessary to reconcile the budget with the original contract award amount and increases provided by amendments No. 001 and No. 002. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides CCE services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 and 7 south of Hypoluxo Road (TKF)

2. Staff recommends motion to approve:

**A)** Amendment No. 001 to Standard Agreement No. IR007-9500 (R2007-1463) for the Respite for Elders Living in Everyday Families (RELIEF) Program with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2007, through June 30, 2008, increasing the agreement amount by \$12,000 for a new total not-to-exceed the amount of \$114,058; and

**B)** Budget Amendment of \$12,000 in DOSS - Administration Fund.

**SUMMARY:** This Amendment will increase the RELIEF/Respite Program by \$12,000. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides CCE services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to:

**A) ratify** the signature of the Chairperson on the 2009 State of Florida Department of Children and Families (DCF) Homeless Challenge Grant application;

**B) delegate** authority to the County Administrator or his designee to sign the State of Florida Department of Children and Families contract for the Homeless Challenge Grant; and

**C) delegate** authority to the County Administrator or his designee to sign the contracts with The Lord's Place, Coalition for Independent Living Options, Inc., Faith, Hope, Love, Charity, Inc. and Families First for no longer than a one year period to end June 30, 2009, for the maximum cumulative amount of \$150,000.

**SUMMARY:** The Division of Human Services is applying for Emergency Shelter and Homeless Prevention Services through the 2009 Homeless Challenge Grant. DCF will allocate funds based on the applicant's score up to a maximum of \$150,000. Upon receipt of a grant award, the County will contract with service providers as follows:

<b>Maximum Funding Level Allocation</b>			
<b><u>\$150,000</u></b>	<b><u>Sub-Contractor</u></b>	<b><u>Type of Service</u></b>	<b><u># to be Served</u></b>
\$50,000	The Lord's Place	Emergency Shelter	58
\$50,000	Faith, Hope, Love, Charity, Inc.	Emergency Shelter	56
\$25,000	Families First	Homeless Prevention	50
\$25,000	Coalition for Independent Living Options, Inc.	Homeless Prevention	40

Should the funding level be below the maximum, the allocations would be reduced to amounts agreed to in advance amongst the providers. No County funds are required. (Human Services) Countywide (TKF)

4. Staff recommends motion to approve: Use of Facility Agreement with the Jewish Community Center of the Greater Palm Beaches, Inc., effective July 1, 2008, with no fixed expiration date to provide a kosher congregate meal site for the elderly. **SUMMARY:** This Agreement will enable the Division of Senior Services (DOSS) to operate a kosher congregate dining site for the elderly at the Jewish Community Center of the Greater Palm Beaches, Inc. site located at 3151 N. Military Trail, West Palm Beach at no cost to the County for space or energy usage. DOSS will operate the site and provide the kosher meals. Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to approve: Amendment No. 001 to Standard Agreement No. IU008-9500 (R2008-0171) for the Nutrition Services Incentive Program (NSIP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc., for the period October 1, 2007, through September 30, 2008, decreasing the reimbursement unit rate and increasing the maximum reimbursement by \$37,611, for a new total not-to-exceed amount of \$311,223 for various supportive services to seniors. **SUMMARY:** Additional funding has been granted under the NSIP grant. This Amendment will decrease the reimbursement unit rate from .6137002 to .59534527 for 116,601 units produced between August 1, 2008, through September 30, 2008; and increase the new maximum reimbursement from \$273,612 to \$311,223. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

6. Staff recommends motion to approve:

**A)** Renewal Letter for the Cooperative Agreement with the School Board of Palm Beach County (R2007-1671); and

**B)** Addendum to the Cooperative Agreement (R2007-1671), for the period of July 1, 2008, through June 30, 2009, at no cost to the County, to provide services to exceptional students during the School Board's approved school calendar.

**SUMMARY:** The Cooperative Agreement states it shall be automatically renewed yearly for up to three (3) years. Based on satisfactory performance during the past contract period, it is recommended that the Cooperative Agreement with The School Board of Palm Beach County be renewed. The Addendum clarifies the days that services will be provided to Head Start children. The days will be consistent with the School Board's approved school calendar. The School Board will provide all services to students as specified in the students' Individual Education Plan utilizing funding from the Full-Time Equivalency (FTE) amount allocated by the State Department of Education. Head Start will screen for vision, speech, hearing, development and behavior to identify students appropriate for the program. Services provided by the School Board will be at no cost to the County. (Head Start) Countywide (TKF)

7. Staff recommends motion to adopt: Resolution delegating authority to the County Administrator, or his designee, to sign the Fiscal Year 2009 HIV Emergency Relief Grant Application and any other necessary documents. **SUMMARY:** The County has been notified that, as an Eligible Metropolitan Area (EMA) we will receive funds under the Part A HIV Emergency Relief Grant. The grant application for FY 2009 must be submitted to the U.S. Department of Health and Human Services by September 29, 2008. The grant application will be completed by the 19th of September, but still must be reviewed by the HIV CARE Council staff and the Community Services Department. To ensure that the grant application deadline is met, the delegation of authority to sign the application is requested. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve: Amendment No. 11 to the Contract with PBS&J, Inc. for consulting/professional services in the amount of \$518,728 for the Department of Airports. **SUMMARY:** On February 6, 2001, the County entered into a Consulting Agreement (R2001-0194) with PBS&J, Inc. for general airport planning and design for the amount of \$985,730.50. The Agreement was for two (2) years with two (2) - one (1) year renewal options. Amendments 1-10 were approved for a net increase in the amount of \$10,501,387. Approval of Amendment No. 11 in the amount of \$518,728 will provide funds to continue construction administration services for projects that were started under previous amendments that remain under construction. The Disadvantaged Business Enterprise (DBE) participation for this Amendment is 5.57%. The total DBE contract goal including all amendments is 33.68% Countywide (JCM)
  
2. Staff recommends motion to approve: Change Order No. 7 to the Contract with ThyssenKrupp Airport Systems, Inc. in the amount of \$9,293 for replacement of passenger loading bridges at Palm Beach International Airport (PBIA). There is no change in contract time related to this Change Order. **SUMMARY:** On October 17, 2006, the BCC approved a contract (R2006-2205) with ThyssenKrupp Airport Systems, Inc. to replace the existing passenger loading bridges at PBIA in the amount of \$15,360,608. Change Orders 1-6 increased the contract in the amount of \$773,648 and 26-calendar days. Change Order No. 7 must be approved by the Board because its approval, combined with previous approvals, would exceed the combined authority of the Contract Review Committee and the Lead Department. The Small Business Enterprise (SBE) participation for this Change Order is 99.94%. The total SBE contract goal including this Change Order is 7.46%. Countywide (JCM)
  
3. Staff recommends motion to approve: Memorandum of Agreement (MOA) No. DTFASO-08-L-00052 with the Federal Aviation Administration for the construction, operation and maintenance of FAA-owned navigation, communication and weather aid facilities at the Palm Beach County Glades Airport for the term of October 1, 2007 through September 30, 2027. **SUMMARY:** The current lease with the FAA for the VORTAC, a navigational aid, at the Palm Beach County Glades Airport (R98-65D) will expire September 30, 2008. The FAA wishes to change the form of the agreement retroactive to October 1, 2007, from a lease to its new standard form MOA, which provides for installation, operation and maintenance of any necessary navigational, communication and weather aid facilities, including the VORTAC, at locations on the airport mutually agreed to by the parties. As consideration for the MOA, the FAA is responsible for the installation and operation of the equipment at no cost to the County. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to approve:

**A)** Amendment No. 9 to the General Consulting Agreement with CH2M Hill, Inc. for consulting/professional services in the amount of \$640,160 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program; and

**B)** a Budget Transfer of \$640,160 in the Airports' Improvement and Development Fund to establish budget for Amendment No. 9 to the CH2M Hill, Inc. agreement, including a transfer from airport reserves in the amount of \$640,160.

**SUMMARY:** The Consulting Agreement (R2005-0319) with CH2M Hill, Inc. for general airport planning and design was approved on February 15, 2005 in the amount of \$2,443,804 to carry out the approved Capital Improvement Programs for the County's Airports. The Agreement is for two (2) years with two (2) – one (1) year renewable options. Amendments 1-8 were approved for a net increase in the amount of \$10,423,585. Approval of Amendment No. 9 in the amount of \$640,160 will provide funds to complete the following tasks and services; Task I Services include: Cabin Air System Improvement-Supplement No. 1; Update Exhibit "A" Property Map-Supplement No. 1; Update Noise Land Inventory Map and Disposal/Re-Use Plan; Stormwater Management Master Plan-Westgate CRA/SCTF Coordination and Additional Modeling; and Phase I Environmental Site Assessments. Task III Services include: Staff Extension; Miscellaneous Planning and Engineering Services and Construction Administration Services. The Disadvantaged Business Enterprise (DBE) participation for this Amendment is 11.05%. The total DBE contract goal including all amendments is 27.73%. Countywide (JCM)

5. Staff recommends motion to receive and file: six (6) original Agreements for the Department of Airports:

**A)** Agreement to Terminate Hangar Lease Agreement with Jack Reisel, Unit 5, Building 11220 at North County Airport, terminating R2003-2009 on July 31, 2008;

**B)** North County General Aviation Airport Hangar Lease Agreement with Fleetship Yachts, Inc., Unit 8, Building 11230, for one (1) year, automatically renewed at on (1) year intervals, commencing on July 1, 2008;

**C)** License Agreement with FlightSafety International, Inc. to use property solely and exclusively for vehicle parking only commencing May 15, 2008 and expiring July 31, 2008, automatically renewed for one (1) month intervals thereafter;

**D)** License Agreement with Vanguard Car Rental USA, Inc. to use property for short term storage of operable vehicles commencing May 29, 2008 and expiring July 15, 2008;

**E)** License Agreement with Vanguard Car Rental USA, Inc. to use property for short term storage of operable vehicles commencing May 4, 2008 and expiring May 25, 2008; and

**F)** Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. with Cherokee Air, Ltd. Commencing June 1, 2008.

**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the BCC in R93-801, R2004-1367, R2007-1744 and R2007-2070. Countywide (JB)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

**A) approve** request by Palm Beach County Tax Collector, Anne M. Gannon, for Board of County Commissioners to order the 2008 tax roll to be extended prior to completion of the Value Adjustment Board hearings; and

**B) direct** the Value Adjustment Board to certify the assessment roll as required by State Statutes.

**SUMMARY:** Approval of this request will avoid a delay in the issuance of tax notices beyond November 1, 2008, and will permit the collection of property taxes prior to completion of the Value Adjustment Board hearings. Countywide (PFK)

2. Staff recommends motion to appoint:

**A)** Loop Capital Markets as Senior Manager and Raymond James and Jackson Securities as Co-Managers for the not to exceed \$45 Million Public Improvement Revenue Bonds, Series 2008 (Max Planck Biomedical Research Project) to establish a biomedical research park at Florida Atlantic University (FAU) in Jupiter;

**B)** Holland & Knight as bond counsel for the not to exceed \$45 Million Public Improvement Revenue Bonds, Series 2008 (Max Planck Biomedical Research Project); and

**C)** Ruden McCloskey as disclosure counsel for the not to exceed \$45 Million Public Improvement Revenue Bonds, Series 2008 (Max Planck Biomedical Research Project).

**SUMMARY:** On July 22, 2008, the Board approved a Grant Agreement with Max Planck Florida Corporation (MPFC) providing for \$86.926 Million to construct and operate a Biomedical Research Facility. The County plans to issue Non-ad Valorem Revenue Bonds to fund the following grants to MPFC on November 1 on each of the following calendar years: 2008 - \$39,443,000; 2011 - \$15,615,000; 2013 - \$13,137,000; 2015 - \$13,384,000; and 2017 - \$5,347,000, totaling \$86,926,000. In addition to the grant funding, each bond issue will include costs of issuance and the funding of debt service reserve accounts. We anticipate that the initial bond issue of not to exceed \$45 Million will be sold in October and closed by November 1. The above firms are next on their respective rotation lists. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Consulting Services Authorization (CSA) No. 2 to Architectural Continuing Services Contract with Saltz Michelson Architects, Inc. (R2007-0393) in the amount of \$206,906, for architectural and engineering services related to the interior remodeling of the existing gymnasium building for PBSO Training at the Cherry Road site. **SUMMARY:** As part of the FY '08 Capital Improvement Program (CIP) budget cuts, proceeding with this project allowed for the deferral of \$7.7M FY '06 funding, the elimination of \$20M in FY '09 funding, and the release of \$8M in FY '07 funding. This is the final design start for the FY '08 CIP re-scope. CSA No. 2 authorizes the development of construction documents and construction-phase services necessary for the interior remodeling of the existing gymnasium building. The 32,600 sq. ft. building will be used for PBSO training, as part of a master plan for the 20-acre Cherry Road property. Construction cost is estimated to be \$2.5 million. The SBE goal for this Contract is 23%. Saltz Michelson is providing 16.7% in this CSA. When added to the Consultant's participation to date, the resulting SBE participation is 27%. (Capital Improvements Division) District 2 (JM)
  
2. **Staff recommends motion to approve:** Change Order No. 4 to the Contract with Suffolk Construction Company, Inc., (R2005-1078) in the amount of \$419,528.01 and a contract extension of 70-calendar days for Airport Center Building No. 1 renovations. **SUMMARY:** Change Order No. 4 is for the cost to construct necessary interior modifications to the building due to existing unforeseen conditions and to add air conditioning and ventilating equipment due to a design omission. During the selective demolition of interior walls on floors one through four, lateral steel reinforcing was uncovered that interfered with new drywall and infrastructure layouts adjacent to the new mechanical rooms and several offices. Each floor plan was re-designed, including the associated mechanical, plumbing and electrical systems, a new roof top fresh air pre-treat unit was added, and a new stairway pressurization system and fan was added. The 70 day time extension is necessary to accommodate the redesign, pricing, procurement, and construction activities and affects the critical path of the work. The work associated with this Change Order has begun prior to Board consideration in order to mitigate the delay. The SBE participation for this Change Order is 25.9%. The SBE goal for this project is 15%. When combined with previous change orders, the participation to date is 15.9%. (Capital Improvements Division) District 2 (JM)
  
3. **Staff recommends motion to approve:** Change Order No. 26 to the Contract with The Weitz Company, Inc. (R2003-1542) in the amount of \$77,349 for South County Regional Park Phase III. **SUMMARY:** Change Order No. 26 is for the cost of amphitheater grass seating area enhancements. The enhancements include upper seating area aeration, top dressing and rye seeding and lower seating under drain system, top soil and Bermuda sodding. These enhancements are needed to improve drainage of the flat grass areas adjacent to the stage and seating area. Although the engineer designed the area to comply with normal drainage criteria, a quick-dry and more efficient drainage system was requested to allow the seating area to be functional within hours rather than days so as not to delay or cancel scheduled activities at the amphitheater. The inadequate drainage was only discovered post-construction. These services have been completed prior to Board consideration. Change Order No. 26 must be approved by the Board of County Commissioners because this Change Order, when combined with previous approval would exceed the combined authority of the Contract Review Committee and Department Director for cost. There is no SBE participation for this Change Order. The SBE goal for this project is 15%. When combined with previous change orders, the participation to date is 19.6%. (Capital Improvements Division) District 5 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. **Staff recommends motion to approve:** a Declaration of Easement in favor of Palm Beach County Water Utilities Department for a water line, fire hydrant and meter serving the Palm Beach County Sheriff's Office (PBSO) K-9 facility. **SUMMARY:** The County is finalizing construction of an expansion to the PBSO's K-9 facility adjacent to Okeeheelee Park South and the Turnpike. Construction of the expansion of the K-9 facility required installation of a water meter and fire hydrant set along an existing potable water line running to the buildings. The Water Utilities Department requires an easement for these utilities. The easement is 20' wide by 220' long, containing 4,400 sq. ft. The Declaration will be recorded to provide notice of the existence and location of the potable water line, water meter and fire hydrant. (PREM) District 6 (HJF)
  
5. **Staff recommends motion to approve:** a Declaration of Easement in favor of Palm Beach County Water Utilities Department for water mains servicing Fire Rescue Station No. 44. **SUMMARY:** The County is developing Fire Rescue Station No. 44 on 2.12 acres of County owned property located west of Jog Road and south of Flavor Pict Road (the Winsberg property). As part of the development of the Station, the County installed water lines to connect to existing force mains. The Water Utilities Department requires easements for those water lines. The first easement is located approximately 120 feet from the western boundary line, is 20' x 23' and contains approximately 460 sq. ft. (0.01 acres). The second easement is located approximately 30 feet from the eastern boundary line, is 20' x 108' and contains approximately 2,160 SF (0.05 acres). The Declaration will be recorded to provide notice of the existence and location of the water main pipes. (PREM) District 5 (HJF)
  
6. **Staff recommends motion to approve:**
  - A)** an Agreement with Tallmar, Inc., a Florida Corporation, for the placement of communication equipment onto the rooftop of the Marriott Residence Inn, located at 1111 East Atlantic Avenue in Delray Beach on behalf of the Palm Beach County Sheriff's Office; and
  
  - B)** a Use Agreement with the Palm Beach County Sheriff's Office (PBSO) establishing PBSO's financial responsibility for rent and this equipment.

**SUMMARY:** This Agreement will allow for the installation of radar and other miscellaneous communication equipment which will enhance maritime security and improve communication between local law enforcement agencies. The premises consist of 400+/- sq. ft. of roof top space on the Marriott Residence Inn for the installation of an equipment shelter and placement of a radar dish and mast. The Term of the Agreement is for ten (10) years commencing upon execution by the County. The gross annual rent is four thousand dollars (\$4,000), which will be increased annually by Consumer Price Index (CPI). All improvements will be performed by PBSO at its sole expense. The Landlord will provide electrical service. The County has the option to terminate this Agreement for any reason upon ninety (90) days prior written notice to Landlord. The Landlord has the right to terminate upon 180 days notice and Landlord's payment of an \$8,000 early termination fee. The Use Agreement provides that PBSO will pay the annual rent and the cost of improvements. (PREM) District 4 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve:

**A)** an Agreement with the Playa Del Mar Association, Inc., a Florida not-for-profit corporation, for the placement of communication equipment onto the rooftop of the Playa Del Mar Condominium, located at 3900 Galt Ocean Drive in Fort Lauderdale on behalf of the Palm Beach County Sheriff's Office; and

**B)** a Use Agreement with the Palm Beach County Sheriff's Office (PBSO) establishing PBSO's financial responsibility for rent and this equipment.

**SUMMARY:** This Agreement will allow for the installation of radar and other miscellaneous communication equipment which will enhance maritime security and improve communication between local law enforcement agencies. The premises consist of 400+/- sq. ft. of roof top space on the Playa Del Mar Condominium for the installation of an equipment shelter and placement of a radar dish and mast. The Term of the Agreement is for five (5) years commencing upon execution by the County. The gross annual rent is five thousand dollars (\$5,000), which will be increased annually by the greater of five percent (5%) or Consumer Price Index (CPI). All improvements will be performed by PBSO at its expense. The Landlord will provide electrical service. The County has the option to terminate this Agreement for any reason upon ninety (90) days prior written notice to Landlord. The Use Agreement provides that PBSO will pay the annual rent and the cost of improvements. (PREM) Countywide (JMB)

8. Staff recommends motion to approve: Contract with Ocean Gate General Contractors in the amount of \$841,000 for the construction of the Jupiter Farms Park Equestrian Facility. **SUMMARY:** This Contract will provide for construction of two (2) riding rings with fencing and gates, paved and shell rock access roads, grass parking, tree relocation, landscaping, and associated drainage. The SBE goal for this project is 15%. Ocean Gate General Contractors bid includes participation of 16.9%. The contract time is 240-calendar days to substantial completion. (Capital Improvements Division) District 1 (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to receive and file:

**A)** State Housing Initiative Partnership (SHIP) Purchase Assistance Report for Grant Year 2006/2007; and

**B)** SHIP Purchase Assistance Report for Grant Year 2007/2008.

**SUMMARY:** In accordance with Housing & Community Development Policies and Procedures, the Commission on Affordable Housing is providing to the Board of County Commissioners an Annual Reports summarizing SHIP expenditures under the First Time Home Buyers/Purchase Assistance Program. This report covers funding provided to Palm Beach County for the State's Grant Years 2006/2007 and 2007/2008. During the 2006/2007 SHIP Grant Year (July 1, 2006 – June 30, 2007), the Commission on Affordable Housing funded 139 homebuyer applicants expending \$5,786,826.70 and leveraging \$16,288,980.93 in private sector funding. During the 2007/2008 SHIP Grant Year (July 1, 2007 – June 30, 2008), the Commission on Affordable Housing funded 145 homebuyer applicants expending \$6,456,527.40 and leveraging \$20,238,840.07 in private sector funding. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. **Staff recommends motion to approve:** the following Westgate/Belvedere Home Community Redevelopment Agency (CRA) Board Officers for a one (1) year term commencing June 16, 2008, and expiring June 15, 2009:

<u>Board Member</u>	<u>Office</u>
Frederick G. Wade	Chair
Ronald Daniels	Vice- Chair

**SUMMARY:** The Westgate/Belvedere Homes CRA Board consists of seven (7) at-large members from residents and local businesses within the CRA boundaries. At the June 16, 2008 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board. The term shall be one (1) year, beginning with the date of election. District 2 (TKF)

3. **Staff recommends motion to receive and file:** three (3) Agreements funded under the 2005 Disaster Recovery Initiative (DRI) Program for the implementation of housing rehabilitation programs as follows:

**A)** an Agreement with the City of Delray Beach, for the period of January 31, 2008, to December 31, 2008, to provide \$980,000;

**B)** an Agreement with the City of West Palm Beach, for the period of April 1, 2008, to January 31, 2009, to provide \$3,045,361; and

**C)** an Agreement with the City of Riviera Beach, for the period of March 24, 2008, to January 15, 2009, to provide \$1,236,000.

**SUMMARY:** On February 16, 2007, Palm Beach County entered into an Agreement with the Florida Department of Community Affairs (DCA) to receive up to \$19,035,920, for various projects to be funded under the 2005 DRI Program. The three (3) Agreements provided herein are funded under this Agreement with DCA. The County Administrator executed these three Agreements under the authority provided by the Palm Beach County Board of County Commissioners on July 18, 2006, via Resolution No. R2006-1351. **These are Federal Community Development Block Grant funds which do not require local matching funds.** Districts 2, 4 & 7 (TKF)

4. **Staff recommends motion to approve:** Amendment No. 001 to Agreement (R2008-0058) with The Urban League of Palm Beach County, Inc. for the provision of direct housing counseling services. **SUMMARY:** The Urban League of Palm Beach County, Inc. operates a countywide Housing Counseling Program. Amendment No. 001 reduces the number of persons to be served annually from 450 unduplicated households to 72 unduplicated individuals. This reduction is necessitated by the substantial decrease in the level of Community Development Block Grant (CDBG) funding provided to the Urban League during FY 2007-2008. **These are federal CDBG funds that require no local match.** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** a Mutual Release with Garney Companies, Inc. **SUMMARY:** On October 18, 2005, the Board approved a contract with Garney Companies, Inc. (Garney) (R2005-2073) in the amount of \$13,627,020 to install potable water mains and wastewater force mains for the Water Utilities Department Northern Region Utility Improvement Project. In performing the work required under the contract, Garney failed to regrade a section of the 40<sup>th</sup> Street Canal ("Canal") to the elevations specified in the contract documents. By execution of this mutual release, Garney agrees to reimburse the County the sum of \$90,000 for warranty work to re-grade the Canal to the specified elevations in lieu of performing the work themselves. In exchange for this payment, the County agrees to release Garney from any liability related to Garney's failure to properly regrade the Canal. (WUD Project No. 04-227 B) District 6 (MJ)
  
2. **Staff recommends motion to approve:** a Partial Release of Utility Easement on land owned by South Florida Federal Partners - West Palm Beach, LLC. **SUMMARY:** This document will release the County's interest in a portion of a utility easement recorded in the official records of Palm Beach County in Book 21590 Page 1619. During re-development of the Royal Palm Business Plaza the property owner contacted Water Utilities Department to redesign the existing utilities removing portion of the existing water main piping system (PBCWUD Project No. 08-543). Water Utilities Department confirmed that the removal of the utilities does not interfere with the operation of the utility system. The owner now requests release of the portion of the original easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. District 6 (MJ)
  
3. **Staff recommends motion to receive and file:** one (1) Agreement for Emergency Generator Purchase, Operation and Maintenance with Boca Greens Homeowners Association. **SUMMARY:** On March 14, 2006, the Board of County Commissioners delegated the authority to execute Emergency Generator Purchase, Operation and Maintenance Agreements (Agreements) to the County Administrator or his designee. The County Administrator has delegated this approval to the Palm Beach County Water Utilities Department Director. These Agreements provide property owners with the ability to fund the purchase of emergency generators for lift stations located within their community. The Department will assign the community its generator(s), locate the generator(s) on-site during hurricane season, and operate and maintain the generator(s) during emergencies. By executing such Agreements, the Department is able to expedite its goal of providing a higher level of emergency response service throughout its service area. Power outages that occur during hurricanes and other emergencies require the Department to operate a system of emergency generators at wastewater pump stations to prevent wastewater from backing up into streets, swales, and residents' homes. Due to the great number of lift stations and limited staffing resources, the Department is not able to place an emergency generator at every lift station. These Agreements will increase the number of generators available to the Department during emergencies. District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** a Contract with TLC Diversified, Inc. to construct the South Bay Master Lift Station No.1 – Rehabilitation Project in the amount of \$337,837. **SUMMARY:** On June 4, 2008, five (5) construction bids were received for the South Bay Master Lift Station No.1 - Rehabilitation Project, with TLC Diversified, Inc. being the low bidder in the amount of \$337,837. This Contract provides for the rehabilitation/replacement of one (1) master lift station within the City of South Bay's wastewater collection system. The Department staff recommends award of this contract to TLC Diversified, Inc. in the amount of \$337,837. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract provides for 15.08% SBE participation. Funding for this project has been allocated by Palm Beach County Department Housing & Community Development (HCD) under Community Development Block Grant (CDBG) Program. **These are Federal CDBG funds that require no local match.** (WUD Project No. 07-099) District 6 (JM)
  
5. **Staff recommends motion to approve:** a Partial Release of Utility Easement on land owned by Golfview Shopping Plaza Associates, LLP. **SUMMARY:** This document will release the County's interest in a portion of a utility easement recorded in the official records of Palm Beach County in Book 9859, Page 1888. During re-development of the Golfview Shopping Plaza the property owner contacted Water Utilities Department to point out that a portion of a recorded utility easement does not follow alignment of existing utilities. Water Utilities Department confirmed that the alignment of the utilities does not agree with the recorded utility easement. The owner now requests release of the portion of the original easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. District 3 (MJ)
  
6. **Staff recommends motion to receive and file:** two (2) Standard Development Agreements and one (1) Standard Development Renewal Agreement complete with executed documents received during the months of June and July 2008:

**Standard Development Agreements**

- |                      |              |              |
|----------------------|--------------|--------------|
| A) Westgate One, LLC | (District 2) | 01-01211-000 |
| B) W & W XXIII, LLC  | (District 3) | 05-01098-000 |

**Standard Development Renewal Agreement**

- |                          |              |              |
|--------------------------|--------------|--------------|
| C) Hideaway Ranch I, LLC | (District 5) | 09-01038-R01 |
|--------------------------|--------------|--------------|

**SUMMARY:** The terms and conditions for Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual. The Board of County Commissioners delegated the authority to execute various types of Standard Development Agreements to the Department Director including potable water and wastewater agreements (R93-1619); reclaimed water agreements (R96-0228); and additional conditions for potable water, wastewater, and reclaimed water agreements (R2003-0539). After these agreements are executed by the developer and the Department, they must be recorded by the County Clerk's Office. This agenda item recommends the Board receive and file the agreements so they may be properly recorded. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** Budget Transfer of \$100,000 within the Capital Outlay Fund from the Loxahatchee River Pedestrian Bridge to the Loxahatchee Slough Pedestrian Bridge. **SUMMARY:** The transfer within the Capital Outlay Fund reduces funding for the Loxahatchee River Pedestrian Bridge. This project was difficult to get sited due to the involvement of multiple agencies, and will be built in the future by the Florida Department of Transportation during the widening of the Florida Turnpike. Funding will increase the Loxahatchee Slough Pedestrian Bridge for \$100,000 to connect the Loxahatchee Slough Natural Area over the West Leg of the C-18 canal. District 1 (SF)

2. **Staff recommends motion to:**

**A) grant** a Deed of Conservation Easement to the South Florida Water Management District (SFWMD) over the Pond Cypress Natural Area; and

**B) adopt** a Resolution establishing a standard form conservation easement that may be placed on other County-owned natural areas as part of the Environmental Resource Permitting process.

**SUMMARY:** The 1,736.18-acre, County-owned Pond Cypress Natural Area is managed by the Palm Beach County Department of Environmental Resources Management (ERM). A Deed of Conservation Easement is required to be granted to the SFWMD over 544.33 acres in the north portion of the natural area (Section 1, Township 43 South, Range 41 East) by SFWMD Permit No. 50-05422-P, Application No. 030321-4 for the construction of Persimmon Boulevard south extension from 110<sup>th</sup> Avenue North to Okeechobee Boulevard (Acreage Reliever Road). The remaining 1,191.85 acres of the Pond Cypress Natural Area are included in this Deed of Conservation Easement in accordance with the Board's desire to establish conservation easements on all County natural areas (R2005-1770). The intent of the standard form conservation easement for natural areas as part of Environmental Resource Permitting processes is to implement an efficient mechanism to grant conservation easements for natural areas with restoration projects and/or wetland mitigation projects detailed in Board-approved management plans. District 6 (JMB)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to:

**A) approve** a Grant Agreement with the Metropolitan Planning Organization (MPO) to provide \$100,000 in funding for the design, permitting, and construction of a water taxi docking facility at the Snook Islands Natural Area situated along the western shore of the Lake Worth Lagoon within the City of Lake Worth;

**B) approve** a Budget Transfer in the Metropolitan Planning Organization Fund from Palm Beach County Water Taxi Facilities to transfer to the Capital Outlay Fund for \$100,000;

**C) approve** a Budget Amendment in the Capital Outlay Fund recognizing the transfer from the Metropolitan Planning Organization Fund and increasing the Snook Islands Natural Areas Project by \$100,000;

**D) authorize** the County Administrator or his designee to sign all future time extensions, task assignments, certifications and other forms associated with the project agreement, and necessary minor agreements that do not change the scope of work or terms and conditions of the agreements if any or all the grants are approved; and

**E) authorize** the Director of the Department of Environmental Resources Management to serve as Liaison Agent for this project. (ERM)

**SUMMARY:** This Agreement will provide \$100,000 for the construction of a water taxi facility within the Snook Islands Natural Area Public Use Facility. These funds will supplement the existing construction budget (\$1,279,150) and potentially save County funds previously committed for this project to be used for future maintenance. The construction of the public use facility includes a boardwalk and covered gazebo, fishing pier, floating docks (including water taxi docking), and a kiosk. As the floating docks are designed to accommodate a water taxi service, no additional costs will be incurred by the County in providing this feature. No local match is required to qualify for these funds. The construction of the project is scheduled to begin in the spring of 2009 with the term of this Agreement to run ten (10) years. District 3 (SF)

4. Staff recommends motion to:

**A) approve** an Interlocal Agreement with the Solid Waste Authority (SWA) for the supply of fill material from the Winding Waters Natural Area; and

**B) authorize** the County Administrator, or his designee, to sign all future time extensions and necessary minor amendments that do not change the scope of work or terms and conditions of this Agreement.

**SUMMARY:** The Winding Waters Natural Area Restoration Project includes a large-scale wetland restoration and creation project. The creation of wetland habitat will result in a surplus of fill material (approximately 1.4 million cubic yards). The SWA has determined that the fill material at Winding Waters Natural Area is suitable for landfill liner cover. SWA is in need of suitable fill material. The Interlocal Agreement addresses the delivery of and payment for the fill material. A Budget Amendment in the Natural Areas Fund will be submitted when the first fill exchange occurs in Fiscal Year 2009. District 2 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to:

**A) adopt** a Resolution authorizing the Clerk of the Board to disburse \$205,000 from the Vessel Registration Fee Trust Fund for the construction of the John's Island Oyster Reef; and

**B) approve** a Budget Transfer of \$205,000 in the Environmental Enhancement Saltwater Fund from Reserves to the Environmental Enhancement Project.

**SUMMARY:** The \$205,000 Resolution and Budget Transfer provide the necessary matching funds for the construction of the John's Island Oyster Reef in the Lake Worth Lagoon. The project consists of the placement of 5,000 tons of small limestone boulders within a 3.5 acre area to promote the recruitment of oysters. This project will supplement an earlier environmental restoration effort on the 7.1 acre John's Island that was completed in 2005. District 7 (SF)

6. Staff recommends motion to:

**A) approve** a Grant Agreement No. 09PB1 with the Florida Department of Environmental Protection (FDEP) in the amount of \$37,310.50 for cost-sharing on the Jupiter/Carlin Shore Protection Project (Project) through March 1, 2010;

**B) approve** a Task Order No. 0410-05 to a continuing Contract (R2008-0410) with Taylor Engineering, Inc. (Taylor) in the amount of \$164,763 for coastal engineering and support services for the Project;

**C) approve** a Budget Amendment in the Beach Improvement Fund increasing the Project by \$37,311; and

**D) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications and other forms associated with this Grant Agreement, and necessary minor amendments that do not change the scope of work or terms and conditions of the Agreement.

**SUMMARY:** The BCC approved the Contract with Taylor on March 11, 2008 (R2008-0410). Under this Contract, five (5) task orders, including Task Order No. 0410-05, have been issued totaling \$651,058. Task Order No. 0410-05 authorizes Taylor to perform coastal engineering which includes beach fill design and permitting for the Project. There is 0% SBE-MBE subconsultant participation on this Task Order. Taylor's SBE-MBE goal is 15%. To date, Taylor's total SBE-MBE participation, including Task Order No. 0410-05, is 5.4 %. Under the terms of this Agreement, FDEP will reimburse 50% of the non-federal project costs or \$37,310.50. Federal cost sharing for Project construction and design costs will also be available after the County and the U.S. Army Corps of Engineers re-negotiate a new Project Cooperation Agreement (PCA). When the PCA is finalized, the federal cost share will be 54.71% of the total costs for the Project. District 1 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. **Staff recommends motion to adopt:** a Resolution that repeals Resolution R96-1489 which created the Artificial Reef and Estuarine Enhancement Committee (AREEC) as it is presently constituted, and recreates the AREEC under the same provisions as R96-1489 except for modifying membership requirements and adding two (2) members. **SUMMARY:** The Resolution modifies the commercial fishing category in response to difficulty in filling the appointment due to the decline in local commercial fishing and modifies the local government category to any government. Two (2) more general members are added to the Committee to allow for broader citizen input. If it becomes difficult to fill the seat with a representative from one of the existing seven (7) categories, the revision allows those seats to be filled by general members. To ensure staggered terms, one (1) new general member shall be appointed to an initial term of four (4) years and the other new general member shall be appointed to an initial term of three (3) years. All current Committee members are retained and term expiration dates are unchanged. Countywide (HF)

M. PARKS & RECREATION

1. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for H.L. Johnson Elementary School in an amount not-to-exceed \$5,000 for funding of the After School Program. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)
2. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for John I. Leonard Community High School in an amount not-to-exceed \$5,000 for funding of the Boys' Basketball Program. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)
3. **Staff recommends motion to receive and file:** original executed Amendment to Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Atlantic Community High School for the purchase of band uniforms (R2008-0544) to extend the project completion date from September 1, 2008, to December 31, 2008. **SUMMARY:** This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747), as amended. District 7 (AH)
4. **Staff recommends motion to approve:** Agreement with The Center for Youth Activities, Inc. for the period August 19, 2008, through December 30, 2008, in an amount not-to-exceed \$40,000 for funding of after school programs. **SUMMARY:** This funding is to assist with expenses for the after school programs provided at Veterans Park by The Center for Youth Activities, Inc. The programs serve approximately 108 youth from age 5 to 12 and their parents. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to September 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. **Staff recommends motion to approve:** Agreement with Florida Atlantic University in an amount not-to-exceed \$30,000 for the period August 19, 2008, through August 14, 2009, for the purchase and installation of a communications/phone system for the new Pine Jog Facility. **SUMMARY:** This funding is to assist with the cost of a communications/phones system for the Pine Jog Environmental Education Center's new facility. Approximately 40,000 people annually are served at the Pine Jog Environmental Education Center. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to May 15, 2008. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)
  
6. **Staff recommends motion to approve:** Agreement with T. Leroy Jefferson Medical Society, Inc. for the period August 19, 2008, through October 31, 2008, in an amount not-to-exceed \$5,000 for funding of the Eighth Annual Community Health Fair. **SUMMARY:** This funding is to help offset costs for a community health fair event held on April 26, 2008, at Dr. Mary McLeod Bethune Elementary School. The event was attended by more than 1,000 participants. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to February 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)
  
7. **Staff recommends motion to approve:**
  - A) Agreement with Riviera Beach Maritime Academy, Corp. for the period August 19, 2008, through December 31, 2008, in an amount not-to-exceed \$10,000 for funding of the Lake Worth Lagoon Partnership Artificial Reef project;
  - B) a Budget Transfer of \$10,000 in the Transportation Improvement Fund from Reserve for District 7 to the County Transportation Trust Fund;
  - C) a Budget Transfer of \$10,000 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;
  - D) a Budget Transfer of \$10,000 in the General Fund decreasing the annual transfer to the County Transportation Trust Fund and increasing the annual transfer to the Park Improvement Fund; and
  - E) a Budget Amendment of \$10,000 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 7 Recreation Assistance Program.

**SUMMARY:** This funding in the amount of \$10,000 is to help offset costs paid by Riviera Beach Maritime Academy, Corp for the Lake Worth Lagoon Partnership Artificial Reef Project. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to July 1, 2007. The budget transfers and budget amendment increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of \$10,000 from available ad valorem support to the District 7 Recreation Assistance Program. At the November 21, 2006, Board meeting, the flexibility of up to \$200,000 in transfers was approved for this purpose. With the approval of this project, the remaining balance available in transfers for District 7 for FY 2008 is \$130,000. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

8. **Staff recommends motion to receive and file:** executed Independent Contractor Agreements received during the months of June and July:

- A) 3D Diving, Inc., Competitive Diving Coach, North County Aquatic Complex;
- B) Valerie Bell, Crafts and Fun, West Jupiter Recreation Center;
- C) Valerie Bell, Crafts and Fun, West Jupiter Recreation Center;
- D) Mark Fischer, Sushi Making Workshop, Okeeheelee Nature Center; and
- E) Eric Householder, GPS Instructor, Okeeheelee Nature Center.

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and is now being submitted to the Board to receive and file. Districts 1 & 6 (AH)

9. **Staff recommends motion to:**

**A) approve** Grant Agreement with the Palm Beach Metropolitan Planning Organization (MPO) in an amount not-to-exceed \$100,000 for funding of the design, permitting, and construction of a water taxi facility at DuBois Park;

**B) authorize** the County Administrator or his designee to execute the Grant Agreement and all future time extensions, task assignments, minor amendments, and other necessary forms and certifications during the term of the Grant Agreement that do not change the amount of funding, scope of work, or terms and conditions of the Agreement;

**C) authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with the MPO for this project;

**D) approve** a Budget Transfer of \$100,000 in the Metro Planning Organization Fund for PBC Water Taxi Facilities from Contributions to Other Governmental Agencies to transfer to Park Improvement Fund; and

**E) approve** a Budget Amendment of \$100,000 in the Park Improvement Fund to recognize the transfer from the Metro Planning Organization Fund.

**SUMMARY:** This Grant Agreement provides an amount not-to-exceed \$100,000 for construction of a water taxi facility on the Jupiter Inlet at DuBois Park. The estimated cost for the water taxi facility is \$101,864, and the additional funding of \$1,864 will be provided from previously established funding from the 2004 Waterfront Access Bond for the DuBois Marina and Shoreline Stabilization project. The construction of the water taxi facility will be completed by the required project completion date of April 1, 2009. The term of this Grant Agreement is for ten (10) years, until August 18, 2018. Funding is from the U.S. Department of Transportation, Ferry Boat Discretionary Program, through the State of Florida Department of Transportation, and is administered by the Palm Beach Metropolitan Planning Organization. District 1 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: this amended and restated Interlocal Agreement (R2008-0088) with the City of Belle Glade to extend the termination date for the Youth Violence Prevention Project by 12 months, to September 30, 2009. **SUMMARY:** The City of Belle Glade was identified as one (1) of the five (5) cities at greatest risk for future violence as part of the Youth Violence Prevention Project (YVPP). The YVPP is in its second year of implementation and funding. The City of Belle Glade has identified space, hired a coordinator and is prepared to move forward with implementation of their plan. The Youth Empowerment Center in Belle Glade will be located at 227 SW 6<sup>th</sup> Street in Belle Glade, Florida. The County (Facilities Development & Operations) agrees to cause the transfer of title of two (2) mobile home vehicles at the County's sole cost and expense. These funds are included in the FY 2008 approved budget as part of the City of Belle Glade's original Interlocal Agreement (R2008-0088). The funds are intended to cover start-up and program costs of \$300,000 (\$113,000 for relocation of a donated modular) for FY 2008 and operating expenses of \$300,000 for FY 2009. This Agreement will be extended by 12 months to expire on September 30, 2009. District 6 (DW)

S. FIRE RESCUE

1. Staff recommends motion to approve: the Chairperson to certify the non-ad valorem assessment roll for the MSBU (Municipal Service Benefits Unit) for Fire Hydrant Maintenance and Rental-Riviera Beach and for the MSBU for Fire Hydrant Maintenance and Rental-Boca Raton. **SUMMARY:** MSBU's for fire hydrant maintenance and rental for Riviera Beach and Boca Raton were established in February 1993, by Ordinance No. 93-5. The current rates as established by Resolutions are \$52.86 per parcel for Riviera Beach (R98-1023) and \$23 per parcel for Boca Raton (R2008-0239). Every year the assessment roll must be certified by the Chairperson of the Board and the State Department of Revenue form DR-408A must be signed by the Chairperson for each MSBU. These forms and the tape of the assessment rolls must be submitted to the Tax Collector no later than September 15 of each year. Districts 5 & 7 (SB)
2. Staff recommends motion to approve: a Second Amendment to the Interlocal Agreement with the City of West Palm Beach (R99-1193D, as amended R2002-1933) relating to funding for Regional Hazardous Materials Emergency Response Services retroactive to October 1, 2007. **SUMMARY:** On October 6, 1998, the County entered into an Agreement (R98-1637D) with the Solid Waste Authority (SWA) to partially fund the costs of the Regional Hazardous Material (Hazmat) Services Response Teams. For fiscal year 2008, the funding amount is \$1,622,986. Funding for subsequent fiscal years will be increased 3% annually. Under the Agreement, the SWA disburses the funding directly to the County. The County entered into separate Agreements with the municipal response teams to define the responsibilities of each of the parties and to allow the County to disburse the funds equally among each of the two (2) municipal response teams and two (2) County teams. The City of West Palm Beach provides one Hazmat emergency response team; therefore, the payment to the City of West Palm Beach for FY 2008 will be \$405,746.50. The current Agreement with the SWA expires September 30, 2012. Approval of the Second Amendment to the Interlocal Agreement with the City of West Palm Beach will extend the term of the Agreement, retroactively from October 1, 2007, through September 30, 2012. Countywide (SGB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to approve: Amendment No. 2 to Statement of Work (R2007-1383) pursuant to contract with CGI-AMS (R2002-1782), extending effective date through September 30, 2008 with no additional expense. **SUMMARY:** Amendment No. 2 will provide additional time for CGI-AMS to complete requirements of Statement of Work which will add functionality to various modules in the Advantage System as approved by the Financial System Administration Team (FSAT). Countywide (PK)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: Amendment No. 2 to a standard agreement with Children's Healthcare Associates, P.A. (R2006-1321) in an amount not-to-exceed \$54,000 for a period of October 1, 2008, through September 30, 2009, to provide services for Highridge Family Center. **SUMMARY:** When the original Contract was approved, the Board delegated the authority to the County Administrator, or his designee, to execute time extensions/amendments to the Contract. Countywide (DW)
2. Staff recommends motion to receive and file: a Standard Agreement with Xavier Garcia, D.V.M. d/b/a/ El Cid Animal Clinic, for veterinary services, in an amount not-to-exceed \$10,000 for the period of October 1, 2007, through September 30, 2008. **SUMMARY:** On May 6, 1997, the Board adopted a Resolution authorizing the County Administrator, or his designee, to execute standard contracts with various licensed Florida veterinarians to provide needed part-time, relief and emergency "on-call" professional medical services for shelter animals. Countywide (SF)

Z. RISK MANAGEMENT

1. Staff recommends motion to receive and file: original executed Memorandum of Understanding for Exchange of Protected Health Information. **SUMMARY:** This fully executed Memorandum of Understanding for Exchange of Protected Health Information among Board of County Commissioners of Palm Beach County and Health Care District. This document will serve as the instrument to facilitate the sharing of protected health information. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

**A) approve** the Florida Commission for the Transportation Disadvantaged (CTD) Trip and Equipment Grant in the amount of \$2,334,762 for FY 2008/2009 to provide non-sponsored trips in accordance with the Transportation Disadvantaged Trust Fund in Chapter 427, Florida Statutes and Rule 41-2, Florida Administrative Code; and

**B) authorize** the Executive Director of Palm Tran, through the County Administrator, or his designee to file and execute the Trip and Equipment Grant Agreement with the CTD.

**SUMMARY:** On May 6, 2008, the Board of County Commissioners approved a resolution (R2008-0808) authorizing the filing of a Transportation Disadvantaged Trust Fund (TDTF) Application with the CTD, and delegating authority to the Palm Tran Executive Director to execute the Standard Coordination/Operator contracts on behalf of Palm Beach County. Based on that approval, the Trip and Equipment Grant Agreement was developed. The Grant provides approximately 90% of the funding for Palm Beach County's TD program. Palm Beach County has been allocated funds for FY 2008/2009 as follows: Total State Grant - \$2,098,543; Local Match - \$233,171; Voluntary Dollar Contributions - \$2,743; In-Kind Match for Voluntary Dollar - \$305; Total Grant is \$2,334,762. The local match has already been budgeted in Palm Tran's proposed FY 2009 operating budget. Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

2. Staff recommends motion to:

**A) adopt** a Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement No. 2 (JPA) FM No. 42317819401 amending the Scope of the original agreement to include the cost of construction for \$1,500,000;

**B) approve** Amendment of Federal Grant FL-90-X627 to change the scope of the original agreement to include the purchase of three (3) hybrid buses for \$1,661,344;

**C) approve** a Budget Transfer of \$161,344 decreasing the transfer from Palm Tran Grants Fund to the Public Building Improvement Fund; and

**D) approve** a downward Budget Amendment of \$161,344 in the Public Building Improvement Fund to reallocate capital project funding to the Palm Tran Grants Fund to purchase three (3) hybrid buses.

**SUMMARY:** FDOT is amending the scope of JPA FM No. 42317819401 (R2007-2301) to allow up to \$1.5 million of grant funds to be used for the construction of the West Palm Beach Intermodal Facility (100% state funds, no match required). The JPA, as originally approved, allowed grant funds to be used to implement a limited stop/express transit service between Stuart (Martin County) and West Palm Beach (WPB), with the final service stop located at the WPB Intermodal Facility. Thereafter, the JPA was amended to provide funds to be used to purchase three (3) hybrid buses for the Express Service and to pay their operating costs for three (3) years. FDOT and Federal Transit Administration (FTA) have now agreed that Palm Tran may purchase the Express Service buses with Federal funds, using FTA Grant FL-90-X627, and use \$1.5 million of funds provided under FDOT's JPA to construct the WPB Intermodal Facility. As a result, FDOT will fund 100% of the cost of constructing the WPB Intermodal Facility. FDOT has also provided an additional \$2.7 million, under a different JPA, which will be used to fund the construction of the WPB Intermodal Facility bringing FDOT's total contribution to the WPB Intermodal construction budget to \$4.2 million. A Purchase Order (PO) for the hybrid buses, in the amount of \$1.6 million, was originally issued under JPA FM No. 42317819401. The PO will now be funded from the Federal grant, which accounts for the difference of \$161,344 listed on the budget amendment and transfer. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. MEDICAL EXAMINER'S OFFICE

1. **Staff recommends motion to approve:** a Contract with Wuesthoff Memorial Hospital, d/b/a Wuesthoff Reference Laboratory to establish restructured services and a new fee schedule for toxicology and histology testing effective July 1, 2008, through June 30, 2012 with the contractual cost not-to-exceed \$915,750. **SUMMARY:** On May 15, 2001, the Board of County Commissioners approved the Contract with Wuesthoff Reference Laboratories for forensic toxicology laboratory testing, based on an individual test fee. The Medical Examiner's Office continues to experience increases in autopsy cases and deaths involving multiple drugs, resulting in increased toxicology testing and anticipates a 20% increase in usage annually. Due to increased costs, Dr. Bell, Chief Medical Examiner, re-negotiated the terms of the contract with Wuesthoff Reference Laboratory. At this time, Wuesthoff Reference Laboratory has submitted a totally new fee schedule with a comprehensive drug panel being completed for a flat rate of \$165 per case, instead of a separate fee for each test. A comprehensive drug panel is defined as the detection and quantitation of alcohols, carbon monoxide, and the drugs listed in Exhibit "C" in blood, urine and vitreous fluid from the submitted Medical Examiner case. Additional tests for drugs not included in the panel are done at the discretion of the Medical Examiner's Office and fees are separate, with a fee schedule. Wuesthoff Reference Laboratory's costs include the cost of the pickup, delivery, storage and return and/or destruction of specimens. Countywide (DW)

CC. SHERIFF

1. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the National Institute of Justice "Solving Cold Cases with DNA Program" Grant to extend the ending grant period from March 31, 2008, through September 30, 2008. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$374,761 on December 20, 2005; the original period for this grant was October 1, 2005, through November 30, 2006 (R2005-2439). On December 5, 2006, the BCC received and filed an agenda item extending the grant period from November 30, 2006, through May 31, 2007 (R2006-2673). On April 10, 2007, the BCC received and filed an agenda item extending the grant period from May 31, 2007, through December 31, 2007 (R2007-0574). On December 4, 2007, the BCC received and filed an agenda item extending the grant period from December 31, 2007, to March 31, 2008 (R2007-2207). This agenda item will extend the grant period from March 31, 2008, through September 30, 2008. The National Institute of Justice awarded these funds for the "Solving Cold Cases with DNA Program". The objective of this grant is to combine the efforts of the Palm Beach County Sheriff's Office (PBSO) Special Investigations Bureau, Crimes Against Children/Sexual Assault Unit and the Violent Crimes Bureau with the experience of the Serology/DNA Section of the Crime Laboratory to solve cold cases. The goal is to screen all of the cold cases for potential biological evidence for the purpose of conducting DNA analysis such that the laboratory CODIS administrator will enter any qualifying DNA profile into CODIS. At the time of the grant application, it was estimated that there were approximately 250 cold cases from the Crimes Against Children/Sexual Assault Unit and Violent Crimes Bureaus, of which 85 may meet the criteria set forth by this grant. The PBSO has been given an extension to allow the grant funds to be fully expended. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

2. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office a Florida Department of Law Enforcement, Criminal Investigations and Forensic Science Program Grant for the Sur 13 Gang Investigation in the amount of \$20,000 for the period of October 1, 2007, through September 30, 2008, or upon the conclusion of the investigation; and

**B) approve** a Budget Amendment of \$20,000 in the Sheriff's Grant Fund.

**SUMMARY:** The Palm Beach County Sheriff's Office (PBSO) has been awarded grant funds by the Florida Department of Law Enforcement (FDLE) for the purpose of investigating a current ongoing case. The FDLE awarded these grant funds to assist with the added cost associated with overtime. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

3. Staff recommends motion to approve: a Budget Transfer of \$80,760 from the Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO).

**SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETF's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2008 estimated donation requirement is \$122,726. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETF balance is \$1,640,028. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,559,268. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (DW)

<b>ORGANIZATION</b>	<b>AMOUNT</b>
Extended Hands Community Outreach, Inc.	\$25,860
Faith-Hope-Love-Charity, Inc.	\$25,000
The Juvenile Transition Center, Inc.	\$29,900
<b>Total Amount of Donations</b>	<b>\$80,760</b>

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

4. Staff recommends motion to receive and file: Grant Adjustment Notice amending the Florida Department of Law Enforcement Florida Consortium "2007 Paul Coverdell National Forensic Sciences Improvement Grant" to extend the ending grant period from September 30, 2008, through March 31, 2009. **SUMMARY:** The Board of County Commissioners (BOCC) accepted this grant for \$43,701 on March 11, 2008; the original period for this grant was October 1, 2007 thru September 30, 2008 (R-2008-0452). This agenda item will extend the grant period from September 30, 2008 thru March 31, 2009. The National Institute of Justice (NIJ) awarded these funds to the Florida Department of Law Enforcement (FDLE) for the "2007 Paul Coverdell National Forensic Sciences Improvement Grant". On January 2, 2008, the Palm Beach County Sheriff's Office (PBSO) was awarded funds to improve the quality of forensic services. The PBSO's Technical Services Division will use the funds provided for training. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

DD. HOUSING FINANCE AUTHORITY

1. Staff recommends motion to approve: the nomination of Robin B. Henderson as the Chairperson of the Housing Finance Authority of Palm Beach County (HFA Board) for the term of June 2008, through May 2009. **SUMMARY:** At the regular HFA Board meeting of July 11, 2008 the HFA Board nominated Robin B. Henderson as its Chairperson to serve a term of one (1) year in accordance with Ordinance No. 2002-022. The Ordinance requires the nomination of Chairperson to be submitted to the Board of County Commissioners for approval. Countywide (TKF)

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**4. SPECIAL PRESENTATIONS – 9:30 A.M.**

- A.** Presentation from Representative Mary Brandenburg of a check in the amount of \$135,610.84 from the Florida Recreation Development Assistance Program (FRDAP) for John Prince Park Memorial Park – Square Lake Development and Restoration Project.
  
- B.** Proclamation declaring August 23, 2008 as “River Center Day” in Palm Beach County. (Sponsored by Commissioner Marcus)
  
- C.** Proclamation declaring August 2008 as “Purple Ribbon Month” in Palm Beach County. (Sponsored by Commissioner Koons)
  
- D.** Proclamation declaring August 2008 as “Local 2928 Firefighter Appreciation Month” in Palm Beach County. (Sponsored by Commissioner Kanjian)
  
- E.** Proclamation declaring August 3, 2008 as “Children’s Healthcare Day” in Palm Beach County. (Sponsored by Commissioner Santamaria)

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5. PUBLIC HEARINGS - 9:30 A.M. (Motion to receive and file: Proof of publication)

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 16 of the Palm Beach County Code, Article III, (Ordinance No. 2002-13), pertaining to alarms; providing for short title; providing for purpose; amending Section 3, definitions; amending Section 4, providing for alarm permits required; application fee, renewal and duration; amending Section 5, providing for alarm permit applications; providing emergency notification and reporting service; amending Section 6, providing for technical requirements of alarm systems; amending Section 7, providing for response to alarm, determination of false alarms, alarm verification; amending Section 8, providing a procedure to appeal false alarm determination and providing for a false alarm appeals board; amending Section 9, providing for fines for false alarms; providing for maintenance of records; providing that automatic telephone dialing systems are prohibited and no response for mobile alarm systems; providing for applicability of ordinance; providing for limitation of liability; amending Section 14, providing for prohibitions and penalties; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** This amendment to the existing Burglar Alarm Ordinance is intended to enhance the current Ordinance, by eliminating the current Special Master appeals process and establishing a three (3) member False Alarm Appeals Board which will be knowledgeable of the alarm industry standards and be beneficial to the burglar alarm user. All members of this Board will be volunteers and will not receive any compensation. The Amendment also increases the new application fee from \$18 to \$25 and the renewal application fees from \$5 to \$25. The proposed increases will help offset the cost associated with processing these applications. The proposed new fees will generate approximately \$2,262,500 annually. The current estimated cost for the Sheriff's Office to process a new application and review a renewal application is approximately \$22.50 per application. The Sheriff's Office has worked closely with the Alarm Industry and they support the proposed changes. Currently, the Sheriff's Office processes approximately 1,500 new applications and issues approximately 89,000 renewal applications annually. Countywide (DW)
- B. **Staff recommends motion to adopt:** an increase in the fare paid by Transportation Disadvantaged (TD) eligible individuals whose income falls below the poverty line from a zero fare to \$2. **SUMMARY:** At the June 2008 budget hearing, the Board of County Commissioners reviewed Palm Tran's budget proposals which included the elimination of the TD Fare Subsidy Program. Over 50% of Palm Tran Connection riders now ride for free, and passenger fares from Connection services represent just 4% of the total cost of all CONNECTION service. The Palm Tran Service Board and Local Coordinating Board endorsed the budget proposal to increase the TD fare. The fare increase proposal would become effective October 1, 2008. Currently, TD eligible riders using Palm Tran CONNECTION, with incomes at or below the poverty level, do not pay a fare. Palm Tran's proposed FY '09 budget includes revenues that would be generated through the collection of these fares. Countywide (DR)
- C. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, enacting historic site designation for an additional section of the Old Indiantown Road grade. **SUMMARY:** The Resolution will authorize the designation of an additional section of the previously designated Old Indiantown Road grade, located on the County-owned Hatcher/Halpryn property in Jupiter Farms, Florida. This site has been recommended for historic designation by the County's Historic Resources Review Board (HRRB). If designated, this historic resource would be added to the Palm Beach County Register of Historic Places. The resource is located in the Hatcher/Halpryn Property that the county recently purchased. No privately owned properties will be affected by this designation. In addition any alterations to the roadbed would require approval of a "Certificate of Dig". District 1 (RB)

5. PUBLIC HEARINGS - 9:30 A.M. CONTINUED

D. Staff recommends motion to:

**A) adopt** a Resolution confirming the special assessment process for El Paso, Yearling, Pinto and Rodeo Drives Paving and Drainage Improvements (Project), Sections 19 & 20, Township 44 South, Range 42 East; and

**B) approve** a Budget Transfer of \$871,555 from Municipal Service Taxing Unit (MSTU) District C Fund from Reserves to Rodeo and Pinto Drives;

**C) approve** a Budget Transfer of \$1,664,216 in the Unincorporated MSTU Fund (District F) from Reserves to Rodeo and Pinto Drives (\$423,075) and El Paso and Yearling Drives (\$1,241,141) (Project);

**D) authorize** that all assessment funds collected by the Tax Collectors Office are to be repaid to MSTU District F; and

**E) approve** a Contract with H & J Contracting, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$2,073,382.62 for the construction of the Project.

**SUMMARY:** Adoption of the Resolution provides for the collection of 43.75% of the MSTU funds expended on the Project. Assessments will be payable in ten (10) equal annual installments. The Project consists of construction of El Paso, Yearling, Pinto and Rodeo Drives Paving and Drainage Improvements (Project). The Small Business Enterprise goal for the Project is 15%. The Small Business Enterprise (SBE) participation committed for the project by the Contractor is 15% overall. District 6/MSTU District C (MRE)

E. Staff recommends motion to adopt: an Ordinance amending Palm Beach County Code Chapter 23, Article V, known as the Roadside Vendors Ordinance (Ordinance 97-40); amending Section 98, permit required for commercial use of County rights-of-way; amending Section 100, criteria for vending locations; amending Section 102, application for permit; amending Section 103, fees; amending Section 104, conditions of permit; amending Section 108, voluntary relocation; amending Section 109, renewal of permit; amending Section 110, revocation of permits; amending Section 111, appeal; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Law and Ordinances; providing for effective date. **SUMMARY:** On July 22, 2008, the Board of County Commissioners held its preliminary reading of this Ordinance. This Ordinance will amend Chapter 23, Article V, known as the Roadside Vendors Ordinance (Ordinance 97-40), and designate an area to accommodate large vending locations; increase the size of vending locations in the designated area, increase fees, insurance and bond amounts associated with commercial use of County Rights-of-Way by vendors; restrict use of rights-of-way when it is used for park access and parking; provide for other changes to provide clarity, accommodate agency changes and update the appeal process. Countywide (MRE)

5. PUBLIC HEARINGS - 9:30 A.M. CONTINUED

F. Staff recommends motion to:

**A) review** the list of surplus County-owned properties which staff recommends be found appropriate for affordable housing; and

**B) adopt** a Resolution approving the list of County-owned properties identified as appropriate for affordable housing.

**SUMMARY:** Florida Statutes Section 125.379 requires each County to prepare and adopt an inventory list of all real property it owns which is appropriate for use as affordable housing. The properties identified on this list may be offered for sale with the proceeds used for purchase of land for development of affordable housing, or sold with a restriction limiting its use to affordable housing. The land may also be donated to a non-profit housing organization. Staff has prepared the attached list, organized by Commission District, of those properties which Staff recommends be made available for this purpose. The criteria for development of this list included: 1) vacant; 2) located outside of the Ag Reserve; 3) not programmed for future County uses such as Parks, Libraries, Fire Stations, General Government facilities and/or Environmental Preservation; and 4) not subject to bond covenants or Federal funding restrictions limiting their use. The notable exception to the application of these criteria is the Mecca property, which Staff believes requires significant further analysis before it should be included on this list and made available for this purpose. With the budget cuts, there are insufficient Staff resources to provide assistance in developing these properties beyond a simple conveyance/donation of the property. Staff recommends that the property on this list be made available for sale/donation for development of affordable housing on an "AS IS" basis with appropriate restrictions limiting its use. PREM can publish this list on its website with a link from the County's home page, but will not otherwise actively market the properties. PREM will handle the sale/donation but will not assist in due diligence or other development activities. (PREM) Countywide (HJF)

\* \* \* \* \*

6. REGULAR AGENDA

A. ADMINISTRATION

**TIME CERTAIN – 2:00 P.M.**

1. [Staff recommends motion to receive and file:](#) a Presentation by the Port of Palm Beach and the Florida Department of Transportation (FDOT) on the Inland Intermodal Logistic Facility (Inland Port). **SUMMARY:** On March 13, 2007, the Board of County Commissioners approved the 21<sup>st</sup> Century: Palm Beach County Strategic Economic Plan. Action Item I.02, under the Strategic Direction of Prosperity, identified the desire to conduct an Inland Port Feasibility Study with the goal of completing this Study by February of 2007. The FDOT, Seaport Office, engaged the services of Cambridge Systematics to conduct a South Florida Inland Port Feasibility Study. That report was completed in June of 2007. In May of 2008, Cambridge Systematics and Martin Associates completed a Multi-Model Logistics Complex: Market & Economic Analysis on behalf of the FDOT. This presentation will focus on the findings of the May 2008 Study. Countywide (DW)
2. [Staff recommends motion to receive and file:](#) a Presentation by the Alternative Energy Task Force on their recommendations to the Palm Beach County Overall Economic Development Committee (OEDP). **SUMMARY:** The Alternative Energy Task Force was formed to address Action Item II.02 in the Palm Beach County Strategic Economic Development Plan's Strategic Direction of sustainability. The OEDP Alternative Energy Task Force, comprised of 21 public and private stakeholders, worked in collaboration with the Pollution Prevention Coalition of Palm Beach County, the Air Waste Management Association and the Treasure Coast Chapter of U.S. Green Building Council. Over a nine (9) month period the Task Force hosted nine (9) research presentations, created an inventory of existing county energy conservation programs, identified "best practices," and prepared a critical look at pertinent topics and issues of the emerging alternative energy field. Alternative Energy policy discussions focused on encouraging self-reliance, business growth, energy costs, and community sustainability. Countywide (DW)

B. CLERK & COMPTROLLER

**TIME CERTAIN – 11:30 A.M.**

1. Presentation by Clerk on excess fees and \$1.90 Court technology revenue as requested by Board.

C. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on Tuesday, September 23, 2008 at 9:30 a.m.:](#) an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Plan and revised list of projects contained in Exhibit "A"; implementation of the Plan; modification of Plan; funding of other roadway improvements; interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** This is the Mid-Year Adjustment of the County's Five Year Road Plan which is required to be considered each year by the Five Year Road Program Ordinance. Exhibit "A" to the Ordinance is a list of proposed projects for the next five (5) years and contains certain changes and modifications. This list is submitted for Board of County Commissioner (Board) consideration on preliminary reading today, with the final list to be approved with the Ordinance at public hearing on Tuesday, September 23, 2008. Countywide (MRE)

6. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff requests motion to approve: the concepts in the technical specification for the Request for Proposals for the Red Light Violation Cameras and Citation System. **SUMMARY:** The technical specification for the Request for Proposals (RFPs) for the Red Light Camera Program details all of the equipment and operational requirements of the Red Light Violation Cameras and Citation System. Countywide (MRE)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: a Management Plan for the Delaware Scrub Natural Area. **SUMMARY:** The Delaware Scrub Natural Area Management Plan (Plan) was developed by the Department of Environmental Resources Management (ERM). The Plan provides guidelines for proposed land management activities on the Delaware Scrub Natural Area. It was recommended for approval by the Natural Areas Management Advisory Committee (NAMAC) on June 20, 2008, after careful consideration of public comments received at a public hearing held on May 22, 2008. The Delaware Scrub Natural Area is comprised of approximately 15.80 acres on the northeast corner of the intersection of Delaware Boulevard and Indiantown Road within the Town of Jupiter. The site's eastern boundary is Jones Creek. This site was jointly acquired by the Town of Jupiter and the County in May 23, 2005. Funds for the acquisition were provided from the Palm Beach County Lands for Conservation Purposes Bond Issue Referendum of March 9, 1999, the Town of Jupiter's Open Space Program Bond Issue Referendum of August 31, 2004, and from matching funds from the Florida Communities Trust in 2006. This site will be managed by ERM as part of the County's Natural Areas System, which is currently comprised of 36 sites. District 1 (SF)

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to adopt: a Resolution: (I) approving the issuance of Public Improvement Revenue Bonds, Series 2008 in connection with the financing of the costs of acquisition, renovation, construction and equipping of additional criminal justice and public improvement facilities and all other costs necessary or incidental thereto as authorized by Resolution No. R2007-1228, as amended; (II) providing for certain details relating to the Bonds; (III) approving the form of and authorizing the execution of a Bond Purchase Agreement; (IV) approving and ratifying the form, use and distribution of the Preliminary Official Statement relating to the Bonds; (V) ratifying all actions of the debt manager to "deem final" for the purposes of Securities and Exchange Commission Rule 15c2-12 the Preliminary Official Statement prepared in connection with the Bonds; (VI) approving the form and authorizing the execution of an Official Statement; (VII) appointing a registrar and paying agent in connection with the Bonds; (VIII) authorizing the proper officers of the County to do all acts necessary and proper for carrying out the transactions contemplated by the Resolution; and providing for an effective date. **SUMMARY:** On January 15, 2008, the Board adopted an amended Resolution (R2008-0046) authorizing Public Improvement Revenue Bonds in an amount not to exceed \$180 Million for costs of acquisition, renovation, construction and equipping of general governmental buildings and the Jail Expansion Program. On Monday, August 18, 2008, the underwriters marketed the bonds and staff is presenting the bond purchase agreement to the Board today for approval. Countywide (PFK)

6. REGULAR AGENDA

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

2. Staff recommends motion to:

**A) adopt** a Resolution authorizing the County to obtain a revolving line of credit in the principal amount of \$22,568,948 to support the issuance of standby letters of credit to satisfy the debt service reserve funding requirements for four of the County's outstanding bonds issues; approving the form of and authorizing the execution of a Loan Agreement with SunTrust Bank, South Florida (the "Bank"); and providing for an effective date.

**B) authorize** OFMB to prepare a Budget Transfer of \$48,000 from the General Fund contingency to provide funding for the line and letters of credit, to amend the above-referenced four (4) debt service funds (\$35,000), and to adjust seven (7) other debt service funds (\$13,000) for letters of credit previously approved by the Board.

**SUMMARY:** Four (4) series of the County's outstanding bonds issued between 1994 and 2006 have debt service reserve funds that are funded by debt service reserve surety policies issued by a municipal bond insurance company that has had its AAA credit rating downgraded below a level specified in the bond resolutions. Staff and the County's financial advisor have determined that replacing the sureties with letters of credit from a AA rated bank is the most cost efficient way to satisfy the debt service reserve requirement. The term of the above line and letters of credit is one (1) year subject to renewal by the County and acceptance by the Bank. The County anticipates renewing the above letters of credit or replacing them in accordance with the bond resolutions. If the ratings of the municipal bond insurers are restored, the County will terminate the letters of credit. The fees are payable quarterly and will be approximately \$102,000 for FY 2009. The fees, including cost of issuance, for FY 2008 in the amount of \$35,000 will be paid from General Fund Contingency. Staff will propose an amendment to the FY 2009 budget at the first public hearing for the annual fees. Additionally, staff requests the authority to make minor adjustments totaling approximately \$13,000 in seven (7) debt service funds for letters of credit approved on May 22, 2008 as a result of banks billing for the short quarter ending June 30, 2008. Countywide (PFK)

6. REGULAR AGENDA

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

**TIME CERTAIN 11:00 A.M.**

3. **Staff requests direction:** on changes to the proposed FY 2009 budget scheduled for public hearing on September 8, 2008. **SUMMARY:** Budget development workshops were held with the Board of County Commissioners on June 18, July 8, and July 14, 2008. Issues identified during the workshops or subsequently identified by staff requiring additional Board consideration are listed below.

**A) Court Related Information Technology** – staff is requesting direction on the tentative funding level for court related information technology. Prior to FY 2009, a \$2 recording fee generated adequate funding to offset the County's costs of funding the IT. However, due to a 40% reduction in the \$2 fee revenue, \$2.8 million in ad valorem support is included in the tentative budget for court related information technology costs.

**B) Traffic Hearing Officer Program** – staff is requesting direction on the inclusion of funding for the Traffic Hearing Officer Program which has been defunded by the State of Florida. The total annual cost for the Traffic Hearing Officer Program is \$199,800. In order to fund the program through June 30, 2009, an additional \$77,121 would be required. This scenario would require the Court to return to the Board for additional funding in FY 2009 should the State not fund the program beginning July 1, 2009.

**C) Allocation for Mae Volen Senior Center** – staff is recommending that the \$60,000 proposed cut be reinstated in the County sponsored portion of the budget to insure continuation of senior transportation services provided by the agency in South County. The new total grant amount would be \$1,200,000.

**D) Allocation for the Homeless Coalition** – staff is recommending that the request for an additional \$10,000 to administer a new program for AmeriCorps volunteers (VISTA) be denied. The allocation for this Financially Assisted Agency (FAA) would remain at \$25,000, a \$10,350 reduction from current year funding.

**E) Allocation for the Farmworkers Coordinating Council** – staff is recommending that this FAA allocation be increased by \$20,295 to correct a staff error in calculating the grant amount. This will result in a new total grant amount of \$180,792. Staff is also recommending that the unallocated FAA line item be reduced by an equivalent amount, allowing the total FAA allocation to remain unchanged.

**F) Parks & Recreation Budget/Solid Waste Fees** – staff is recommending an upward adjustment in the Parks & Recreation Department budget due to an expected 39% increase in assessments for solid waste disposal/recycling. The impact of the increase is approximately \$212,890 to the Parks & Recreation budget. The adjustment amount will be determined upon approval of the fee increase by the Solid Waste Authority. Countywide (PK)

6. REGULAR AGENDA

F. MEDICAL EXAMINER'S OFFICE

1. Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on September 23, 2008 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, replacing Palm Beach County Code Chapter 13 (Ordinance No. 99-7); amending Section 4, to be "the County Administrator or his/her designee shall act as an administrative liaison to the Medical Examiner. The liaison shall ensure that the Medical Examiner is provided all reasonable supplies, support staff and equipment necessary for the performance of the duties of the Medical Examiner"; addition of Section 6.D. authorizing the Medical Examiner to charge a fee for services rendered in providing cremation, dissection, and burial-at-sea approvals. **SUMMARY:** Palm Beach County Code Section 13-1 (the Medical Examiner Ordinance) authorizes the appointment of the District 15 Medical Examiner. As authorized by the County Administrator, the Medical Examiner Office separated from the Department of Public Safety, to report directly to County Administration effective October 1, 2000. With the Medical Examiner Office reporting directly to County Administration and no longer being under the Department of Public Safety, this Ordinance requires amending to reflect this change. Section 6.D. of the Medical Examiner Ordinance authorizes the Medical Examiner Office to charge funeral homes a fee for services rendered in providing approvals for cremations, dissections and burials-at sea. Countywide (DW)

G. PUBLIC SAFETY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners, Palm Beach County, Florida amending Resolution R2005-1023 to increase the annual operating permit fee for non-consent towing companies operating in Palm Beach County under Towtruck Ordinance 2005-009. **SUMMARY:** The proposed amendment increases the annual operating permit fee charged to Palm Beach County non-consent towing companies from \$400 to \$900. No other fee changes are requested. The proposed fee increase is needed to assure that income for enforcement of the Towtruck Ordinance meets or exceeds projected annual expenses. The Towing Advisory Committee has reviewed this issue and has voted to recommend this proposed fee increase. Countywide (DW)

H. COUNTY ATTORNEY

1. Staff recommends motion to:
  - A) adopt a Resolution** declaring that significant legal rights will be impaired if Palm Beach County is required to complete intergovernmental conflict resolution procedures with Town of Highland Beach prior to court proceedings;
  - B) direct staff** to initiate litigation, as appropriate to resolve the County's conflict with the Town of Highland Beach over the County's pending special exception permit application for a park; and
  - C) direct staff** to initiate intergovernmental conflict resolution procedures during the pendency of litigation.

**SUMMARY:** This action will declare that significant legal rights will be impaired if Palm Beach County is required to complete intergovernmental conflict resolution procedures with the Town of Highland Beach prior to court proceedings, will authorize litigation, and will authorize the commencement of intergovernmental conflict resolution procedures during the pendency of litigation. District 4 (ATP)

\* \* \* \* \*

7. BOARD APPOINTMENTS

A. **COMMUNITY SERVICES**  
**(Community Action Council Administering Board)**

1. **Staff recommends motion to approve:** appointment of the following representative to the Community Action Council Administering Board for a term beginning August 19, 2008, and ending September 30, 2010.

<b>Seat</b>			
<b><u>ID No.</u></b>	<b><u>Name</u></b>	<b><u>Organization/Requirement</u></b>	<b><u>Nominated By</u></b>
10	Easie LaRose	Business/Community	Comm. Koons

**SUMMARY:** Ordinance No. 2004-042, establishes the Community Action Council Administering Board (CACAB). The CACAB is comprised of not less than 15, and not more than 23 members. One third of the members are elected public officials, holding term on the date of selection, or their representatives. The remaining are members of business, industry, labor religion, law enforcement, education or other major groups in the community served. On May 29, 2008, written notice was sent to each Commissioner to request nominations. The nominees above meet all applicable guidelines and requirements outlined in the Community Services Block Grant Contract establishing ordinance. Seat 10 was vacated by Verdina Coleman and the candidate Easie LaRose will be completing her term. The CACAB has reviewed and approved the nominees listed above. (Community Action) Countywide (TKF)

B. **ENVIRONMENTAL RESOURCES MANAGEMENT**  
**(Groundwater and Natural Resources Protection Board)**

1. **Staff recommends motion to approve:** the reappointment of one (1) at-large member to the Groundwater and Natural Resources Protection Board (GNRPB) for a term of three (3) years beginning August 1, 2008, through July 31, 2011:

<b><u>Nominee</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Seat No.</u></b>	<b><u>Nominated By</u></b>
Jonathan E. Shaw	Hydrologist	6	Commissioner Greene Commissioner Kanjian Commissioner Koons Commissioner Marcus Commissioner Santamaria Commissioner Aaronson

**SUMMARY:** Ordinance 92-20 and Article 17.C.7. of the Unified Land Development Code (ULDC) provide for a seven (7) member GNRPB. The membership consists of one (1) professional engineer, one (1) attorney, one (1) hydrologist, one (1) business person, one (1) biologist or chemist, one (1) citizen of PBC, and one (1) member of an environmental organization. A memorandum was sent to the Board of County Commissioners on May 26, 2008 advising that the term for Seat No. 6 would expire on July 31, 2008. The requirement is for Seat No. 6 to be a Hydrologist. No other nominations were received. Countywide (SF)

7. BOARD APPOINTMENTS

C. **HOUSING & COMMUNITY DEVELOPMENT**  
**(Westgate/Belvedere Homes Community Redevelopment Agency)**

1. **Staff recommends motion to approve:** the reappointment of the following individual for a term of four (4) years beginning on June 1, 2008, through May 31, 2012 to the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board:

<b><u>Name</u></b>	<b><u>Nominated By</u></b>	<b><u>Seat No.</u></b>
Ronald L. Daniels	Commissioner John F. Koons Commissioner Addie L. Greene Commissioner Karen T. Marcus	6

**SUMMARY:** The Westgate/Belvedere Homes CRA Board consists of seven (7) at-large members from the general public and local businesses within the CRA boundaries. Ordinance 89-6 requires that the Palm Beach County Board of County Commissioners appoint the CRA Commissioners. After duly advertising, the CRA held its Annual Meeting on May 12, 2008 to reappoint candidates to fill seat 6. Ronald L. Daniels, a General Contractor, has expressed a willingness to remain on the CRA in Seat 6. Mr. Daniels was nominated by the CRA Board members and residents to be recommended to the Board of County Commissioners. District 2 (TKF)

D. **PUBLIC AFFAIRS**  
**(Education and Government Programming Advisory Board)**

1. **Staff recommends motion to approve:** appointment of one (1) At-Large member to fill the Adult Education Seat 5 on the Education and Government Programming Advisory Board for a term of two (2) years:

<b><u>Nominee</u></b>	<b><u>Requirement</u></b>	<b><u>Seat</u></b>	<b><u>Nominated By</u></b>	<b><u>Term</u></b>
Dr. Bernadette Mendonez Russell	Adult Education	5	Comm. Greene Comm. Koons Comm. Marcus Comm. McCarty Comm. Santamaria Comm. Aaronson	8/19/08- 8/18/10

**SUMMARY:** The Education and Government Programming Advisory Board was created by Resolution No. R-91-1489 and amended by Resolution No. R-92-388 on March 17, 1992. The Advisory Board consists of ten (10) (At-Large) members. Board members represent fields of expertise from the following categories: Broadcast General Manager; Engineer with experience in telecommunication systems; Marketing Director; Cable Industry; Adult Education; PBC Public School System; Member of the BCC; Municipal government representative; and two Citizens-at-Large. The members are appointed by the Board of County Commission and provide assistance in the operation of Channel 20. There is one (1) position on the Education and Government Programming Advisory Board that needs to be filled. The position to be filled is Seat five (5) Adult Education. On July 3, 2008, a memo was sent to the Board of County Commissioners requesting nominations or appointments. Countywide (MJ)

7. BOARD APPOINTMENTS

E. **ADMINISTRATION**  
**(Health Facilities Authority)**

1. **Staff recommends motion to approve:** reappointment of one (1) individual to the Health Facilities Authority, effective May 1, 2008:

<b><u>Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Term Expiration</u></b>	<b><u>Nominated by:</u></b>
Timothy Monaghan	3	Resident of PBC	04/30/2012	Comm. Koons Comm. Santamaria Comm. Greene

**SUMMARY:** Per Chapter 154.207, Florida Statutes and Resolution Nos. R77-379, R77-398 and R92-563, the Health Facilities Authority is composed of five (5) members appointed at-large by the Board of County Commissioners (BCC). A memo dated July 14, 2008 was circulated notifying the BCC that Mr. Monaghan term had expired and he had expressed an interest in serving another four (4) year term. No other nominees were received. Countywide (TKF)

**(Florida Atlantic Research & Development Authority)**

2. **Staff recommends motion to approve:** reappointment of one (1) individual to the Florida Atlantic Research & Development Authority, effective September 13, 2008:

<b><u>Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Term Expiration</u></b>	<b><u>Nominated by:</u></b>
Michael J. Arts	2	Resident of PBC	09/12/2012	Comm. Marcus Comm. Koons Comm. Kanjian Comm. McCarty Comm. Santamaria Comm. Greene

**SUMMARY:** Ordinance 85-32 created the Florida Atlantic Research & Development Authority, which is composed of seven (7) members: three (3) members appointed by the Palm Beach County Board of County Commissioners; three (3) members appointed by the Broward Board of County Commissioners; and one (1) member is the President of Florida Atlantic University (FAU) or his/her designee. A memo dated July 23, 2008 was circulated notifying the BCC that Mr. Arts term will expire September 12, 2008, and that Mr. Arts has expressed an interest in serving another four (4) year term. No other nominees were received. Countywide (TKF)

7. BOARD APPOINTMENTS

E. ADMINISTRATION (Cont'd)  
(Value Adjustment Board)

3. Staff recommends motion to approve: appointment of following individual to replace one (1) of the County Commissioners on the Value Adjustment Board (VAB), effective September 1, 2008:

**Nominee:**

Scott Johnston

**Nominated By:**

Commissioner McCarty

**SUMMARY:** Per Chapter 2008-197, Laws of Florida, the BCC must change the current appointed membership of the VAB. Currently, the VAB is made up five (5) members: three (3) County Commissioners; and two (2) School Board members. Effective September 1, 2008, one (1) of the existing County Commissioners serving on the VAB (Commissioner Jeff Koons, Chairman; Commissioner Karen T. Marcus; and Commissioner Burt Aaronson) must be removed and replaced with a citizen member owning homestead property in Palm Beach County. The appointed citizen member may not be a member or an employee of any taxing authority and may not represent a property owner in any administrative or judicial review of property taxes. The School Board is also required to replace one (1) of its two (2) VAB members with a citizen member with specified property ownership. A memo dated July 7, 2008 notified the BCC of the required changes and requested nominations for the citizen member. No other nominations have been received. Countywide (PFK)

7. BOARD APPOINTMENTS

E. **ADMINISTRATION (Cont'd)**  
**(Green Task Force on Environmental Sustainability and Conservation)**

4. **Staff recommends motion to:**

**A) adopt** Resolution amending Resolution R2008-1007 to delete the LEED Accreditation requirement for the licensed professional engineer member and the licensed professional residential builder member; and

**B) appoint** the following individuals to the Green Task Force on Environmental Sustainability and Conservation for terms commencing on August 19, 2008, and ending upon completion of the Task Force mission, sunseting or disbandment of the Task Force, or upon resignation or replacement by the Board of County Commissioners.

<b>Seat</b>	<b>Name</b>	<b>Requirement</b>	<b>Nominated By</b>
2		Citizen w/ various exper.	District 1 - Comm. Marcus
3	Tricia Ward Waldman	Citizen w/ various exper.	District 2 - Comm. Koons
4	Greg Rice	Citizen w/ various exper.	District 3 - Comm. Kanjian
5	Susan Haynie	Citizen w/ various exper.	District 4 – Comm. McCarty
6	Rep. Maria Sachs	Citizen w/ various exper.	District 5 – Comm. Aaronson
7	Mark S. Beatty	Citizen w/ various exper.	District 6 – Comm. Santamaria
8		Citizen w/ various exper.	District 7 – Comm. Greene
9	Robert Gottlieb	Municipal Representative	League of Cities
10	Joseph Snider	S. FL Chapter, USGBC	US Green Building Council
11 & 12	Jayne King  Drew Martin  Cynthia Plockleman  Patricia Welch  <b>(pick two of four)</b>	Environmental Organizations	Sierra Club  Sierra Club  Audubon Society of Everglades  PalmNet Comm. Kanjian
13	Maureen Kussler	Architect - LEED Accreditation	Comm. Kanjian
14	Bruce Loren	Attorney - LEED Accreditation	Comm. Kanjian
15	Richard Goodwin, P.E.	Engineer	Comm. Kanjian
16	J.P. de Misa	Res. Builder	Comm. Kanjian
17	John Banting	Comm. Builder – LEED Accreditation	Comm. McCarty Comm. Santamaria

**SUMMARY:** The Task Force is comprised of 17 members as listed above, plus one member of the Board of County Commissioners serving as Chair. Commissioner Kanjian was selected as the BCC representative and Task Force Chair on June 3, 2008. For the remaining seats, written notice was sent to each Commissioner to request nominations in accordance with PPM CW-O-023. The Task Force makeup includes district appointments and at-large appointments. Four (4) of the at-large members (Seats 9, 10, 11, & 12) are nominated by outside organizations in accordance with the establishing resolution. LEED accreditation is being deleted due to lack of eligible appointees. Countywide (GB)

7. BOARD APPOINTMENTS

F. OFFICE OF FINANCIAL MANAGEMENT & BUDGET  
(Impact Fee Appeals Board)

1. Staff recommends motion to approve: the appointment of Charles S. Hafer to the Impact Fee Appeals Board to complete the term of Thomas Workman, Jr. that expires August 31, 2010. **SUMMARY:** The Impact Fee Appeals Board is composed of five (5) members. The membership of the Board includes one (1) traffic engineer, one (1) accountant, one (1) attorney, one (1) representative of the general public and one (1) developer/builder. Impact Fee Appeals Board members must be qualified electors of Palm Beach County at least two (2) years prior to their appointment. This agenda item provides for the appointment of Charles S. Hafer to complete the unexpired term of Thomas Workman, Jr., Seat No. 4, accountant, which expires August 31, 2010. The vacancy on the Impact Fee Appeals Board was created when Mr. Workman resigned upon his appointment to the Board of Trustees of Florida Atlantic University. Countywide (LB)

G. COMMISSION DISTRICT APPOINTMENTS

\* \* \* \* \*

**AUGUST 19, 2008**

**8. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**AUGUST 19, 2008**

**9. COMMISSIONER COMMENTS**

**A. District 1 - COMMISSIONER KAREN T. MARCUS**

**B. District 2 - COMMISSIONER JEFF KOONS, VICE CHAIR**

**C. District 3 - COMMISSIONER ROBERT J. KANJIAN**

**D. District 4 - COMMISSIONER MARY MCCARTY**

**E. District 5 - COMMISSIONER BURT AARONSON**

**F. District 6 - COMMISSIONER JESS R. SANTAMARIA**

**G. District 7 - COMMISSIONER ADDIE L. GREENE, CHAIRPERSON**

**10. ADJOURNMENT**

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

**BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA**

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**AUGUST 19, 2008**

<u>PAGE</u>	<u>ITEM</u>	
10	3C-6*	<b><u>REVISED SUMMARY:</u></b> On July 11, 2006, LGWCD and Palm Beach County entered into an Interlocal Agreement to provide reimbursement funds in an amount not to exceed <del>\$50,000</del> <u>\$60,000</u> for the acquisition of a water truck. LGWCD desires that the Agreement continue without interruption or lapse and its term extended to January 30, 2009. (Engineering)
38	4F	<b><u>ADD-ON:</u></b> Certificate of Appreciation to Chuck McGinness, Palm Beach Post Transportation Reporter (retired), for your efforts in providing the citizens of Palm Beach County with in-depth reporting of traffic issues, and assisting motorists in understanding roadway construction processes, so as to provide for safe and efficient traffic flow. Your insight and experience was invaluable in guiding our motorists through the impacts of the Mobility 2000 (I-95) widening project. (Sponsored by Commissioner Kanjian)
42	6A-1*	<b><u>DELETED: Staff recommends motion to receive and file:</u></b> a Presentation by the Port of Palm Beach and the Florida Department of Transportation (FDOT) on the Inland Intermodal Logistic Facility (Inland Port). (Admin) (Will be moved to a September BCC Meeting)
42	6C-1	<b><u>DELETED: Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on Tuesday, September 23, 2008 at 9:30 a.m.:</u></b> an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Plan and revised list of projects contained in Exhibit "A"; implementation of the Plan; modification of Plan; funding of other roadway improvements; interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. (Engineering) (Moved to September 9, 2008)
46	6I-1	<b><u>ADD-ON: Staff recommends motion to approve:</u></b>  <b>A)</b> Child Care Food Program (CCFP) Contract for the period of October 1, 2008, through September 30, 2009, in the amount of \$1,084,363 for meals served to Head Start/Early Head Start children; and  <b>B)</b> the Child Care Food Program Delegation of Signing Authority Form, authorizing the Department of Community Services Director to sign program documents required by the Department of Health (DOH).  <b>SUMMARY:</b> This Contract will enable the Head Start Program to participate in the FY 2008/2009 CCFP by providing 979 infants, toddlers and children with breakfast, lunch, and a snack each day. The Delegation of Signing Authority Form will allow for one (1) representative, other than the Chairperson, to sign any additional forms from the DOH during the contract period. Head Start staff projects reimbursement of \$753,190 from the Florida Department of Health (DOH). County support of \$331,173 is required for a total amount of \$1,084,363 for the CCFP contract. The application was received at the DOH training workshop on August 6, 2008 and must be returned to DOH by August 21, 2008. The County funds are included in the proposed FY 2009 budget. (Head Start) <u>Countywide</u> (TKF) (Community Services)

<b>Seat</b>	<b>Name</b>	<b>Requirement</b>	<b>Nominated By</b>
2		Citizen w/ various exper.	District 1 - Comm. Marcus
3	Tricia Ward Waldman	Citizen w/ various exper.	District 2 - Comm. Koons
4	Greg Rice	Citizen w/ various exper.	District 3 - Comm. Kanjian
5	Susan Haynie	Citizen w/ various exper.	District 4 – Comm. McCarty
6	Rep. Maria Sachs	Citizen w/ various exper.	District 5 – Comm. Aaronson
7	Mark S. Beatty	Citizen w/ various exper.	District 6 – Comm. Santamaria
8	<b><u>Andrew Luchey</u></b>	Citizen w/ various exper.	District 7 – Comm. Greene
9	Robert Gottlieb	Municipal Representative	League of Cities
10	Joseph Snider	S. FL Chapter, USGBC	US Green Building Council
11 & 12	Jayne King  Drew Martin  Cynthia Plockleman <b><u>Plockelman</u></b>  Patricia Welch  <b>(pick two of four)</b>	Environmental Organizations	Sierra Club  Sierra Club  Audubon Society of Everglades  PalmNet Comm. Kanjian
13	Maureen Kussler	Architect - LEED Accreditation	Comm. Kanjian
14	Bruce Loren	Attorney - LEED Accreditation	Comm. Kanjian
15	Richard Goodwin, P.E.	Engineer	Comm. Kanjian
16	J.P. de DiMisa	Res. Builder	Comm. Kanjian
17	John Banting	Comm. Builder – LEED Accreditation	Comm. McCarty Comm. Santamaria

**SUMMARY:** The Task Force is comprised of 47 16 members as listed above, plus one member of the Board of County Commissioners serving as Chair....(Admin)

**NOTE:** Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (\*).

**MEETING CANCELED. MOST ITEMS WILL BE RESCHEDULED FOR SEPTEMBER 9, 2008**